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UNITED STATES DEPARTMENT OF AGRICULTURE

2 **U.S. PRODUCTION AND MARKETING ADMINISTRATION**

3 **POULTRY BRANCH**

Regulations Governing the Grading and Inspection of Poultry and Edible Products Thereof and United States Specifications for Classes, Standards, and Grades With Respect Thereto

[Reprinted from the Federal Register of June 5, 1951]

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Washington 25, D. C.

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Effective July 1, 1951

Rules and United States Specifications

The regulations hereinafter promulgated as Part 70 of the Code of Federal Regulations are pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950), and will supersede the currently effective provisions of Part 70.

After consideration of all relevant matters presented, including proposals set forth in the aforesaid notice, the rules and United States specifications hereinafter set forth are promulgated to become effective July 1, 1951.

The principal differences in these regulations from the superseded regulations are provisions requiring, as a prerequisite to the grading of ready-to-cook poultry, some form of prescribed inspection for wholesomeness; clarification of some of the definitions and wording of the provisions; the conditions under which operations may be conducted in an official plant without inspection; modification of the sanitary requirements to the extent deemed practicable for the effective conduct of processing operations in a sanitary manner; the hourly rate for rendering grading and inspection service on an intermittent fee basis has been increased from \$3.00 to \$3.60 in order to cover the costs of rendering these services on this basis; and the deletion of reference to domestic rabbits within the regulations. The provisions of the regulations contained herein are slightly modified from those which were published in the Notice of Proposed Rule Making. The superseded provisions of Part 70 applicable to domestic rabbits are contained in Part 54 which will become effective at the same time as the regulations contained herein.

The rules and specifications are as follows:

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; UNITED STATES SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

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AUTHORITY: §§ 70.1 to 70.105 issued under sec. 205, 60 Stat. 1090, Pub. Law 759, 81st Cong.; 7 U. S. C. 1624.

SUBPART A—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF

DEFINITIONS

§ 70.1 *Definitions.* Unless the context otherwise requires, the following terms shall have the following meaning:

(a) "Act" means the following provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act of 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950), or any other act of Congress conferring like authority:

AGRICULTURAL MARKETING ACT OF 1946

* * * to develop and improve standards of quality, condition, quantity, grade, and packaging, and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices * * *

To inspect, certify, and identify the class, quality, quantity, and condition of agricultural products when shipped or received in interstate commerce under such rules and regulations as the Secretary of Agriculture may prescribe, including assessment and collection of such fees as will be reasonable and as nearly as may be to cover the cost of the service rendered, to the end that agricultural products may be marketed to the best advantage, that trading may be facilitated, and that consumers may be able to obtain the quality products which they desire, * * *

* * * Market inspection of farm products: For the investigation and certification, in one or more jurisdictions, to shippers and other interested parties of the class, quality, and condition of any agricultural commodity or food product, whether raw, dried, canned, or otherwise processed, and any product containing an agricultural commodity or derivative thereof when offered for interstate shipment or when received at such important central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered. * * *

Marketing farm products: For acquiring and diffusing among the people of the United States useful information relative to the needed supplies, standardization, classification, grading, preparation for market, handling, transportation, storage, and marketing of farm and food products, including the demonstration and promotion of the use of uniform standards of classification of American farm and food products throughout the world. * * *

(b) "Acceptable" means suitable for the purpose intended and acceptable to the Administration.

(c) "Administration" means the Production and Marketing Administration of the Department.

(d) "Administrator" means the Administrator of the Production and Marketing Administration of the Department, or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

(e) "Applicant" means any interested party who requests any inspection service or grading service.

(f) "Carcass" means any poultry carcass.

(g) "Circuit supervisor" means the officer in charge of the poultry inspection service in a circuit consisting of a group of stations within an area.

(h) "Class" means any subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind or between species.

(i) "Condition" means any condition, including but not being limited to, the state of preservation, cleanliness, or soundness of any product; or any condition, including but not limited to, the processing, handling, or packaging which affects such product.

(j) "Condition and wholesomeness" means the condition of any product and its healthfulness and fitness for human food.

(k) "Department" means the United States Department of Agriculture.

(l) "Dressed poultry" means poultry which has been slaughtered for human food with head, feet, and viscera intact

and from which the blood and feathers have been removed.

(m) "Edible poultry byproduct" means any giblets or any edible part of dressed poultry other than eviscerated poultry.

(n) "Edible product" means any product other than live poultry and dressed poultry.

(o) "Food product containing poultry product" means any article of food for human consumption which is prepared in part from any edible portion of dressed poultry or from any product derived wholly from such edible portion, if such edible portion or product does not comprise a substantial portion of such article of food.

(p) "Giblets" means the liver from which the bile sac has been removed, the heart from which the pericardial sac has been removed, and the gizzard from which the lining and contents have been removed: *Provided*, That each such organ has been properly trimmed and washed.

(q) "Grader" means any employee of the Department authorized by the Secretary, or any other individual to whom a license has been issued by the Secretary, to investigate and certify, in accordance with the regulations in this part, the class, quality, quantity, and condition of products.

(r) "Grading" or "grading service" means (1) the act whereby a grader determines, according to the regulations in this part, the class, quality, quantity, or condition of any product by examining each unit thereof, or each unit of the representative sample thereof drawn by a grader, and issues a grading certificate with respect thereto; (2) in addition to the foregoing, the act whereby the grader identifies, according to the regulations in this part, the graded product; (3) with respect to an official plant, the act whereby a grader determines that the products in such plant are processed, handled, and packaged in accordance with § 70.39 of the regulations in this part; and (4) any regrading or any appeal grading of a previously graded product.

(s) "Grading certificate" means a statement, either written or printed, issued by a grader, pursuant to the regulations in this part, relative to the class, quality, quantity, or condition of a product.

(t) "Identify" means to apply official identification to products or the containers thereof.

(u) "Inspected and certified" or "certified" means, with respect to any product, that it has undergone an inspection and was found, at the time of such inspection, to be sound, wholesome, and fit for human food.

(v) "Inspected," "inspection service," or "inspection of products for condition and wholesomeness" means any inspection by an inspector to determine, in accordance with regulations in this part,

(1) the condition and wholesomeness of dressed poultry, or (2) the condition and wholesomeness of any edible product at any stage of the preparation or packaging thereof in the official plant where inspected and certified, or (3) the condition and wholesomeness of any previously inspected and certified product if such product has not lost its identity as an inspected and certified product. In addition to the foregoing, the terms "inspection" and "inspection service" shall each mean any inspection by an inspector to determine, in accordance with the regulations in this part, the condition of dressed poultry as it applies to the processing, handling or packaging of such product.

(w) "Inspection certificate" means a statement, either written or printed, issued by an inspector, pursuant to the regulations in this part, relative to the condition and wholesomeness of products.

(x) "Inspector" means any person who is licensed by the Secretary to investigate and certify in accordance with the regulations in this part, the condition and wholesomeness of products or the condition of dressed poultry. An inspector is an employee of the Department or of a State; he may be a graduate veterinarian or a layman.

(y) "Interested party" means any person financially interested in a transaction involving any inspection or grading.

(z) "National supervisor" means (1) the officer in charge of the poultry inspection service of the Administration, (2) the officer in charge of the poultry grading service of the Administration, and (3) such other officers or employees of the Department who may be so designated by the officer in charge of the poultry inspection and grading service of the Administration.

(aa) "Office of grading" means the office of any grader.

(bb) "Official identification" means the symbol represented by a stamp, label, seal, or other device approved by the Administrator and affixed to any product, or to any container thereof, stating that the product was inspected or graded or both; and the class, quality, or condition of such product as determined by a grader may be indicated.

(cc) "Official plant" means one or more buildings, or parts thereof, comprising a single plant in which the facilities and methods of operation therein have been approved by the Administrator as suitable and adequate for operation under inspection or grading service and in which inspection or grading is carried on in accordance with the regulations in this part.

(dd) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(ee) "Potable water" means water which complies with the U. S. Public Health Service drinking water standards.

(ff) "Poultry" means any kind of domesticated bird, including, but not being limited to, chickens, turkeys, ducks, geese, pigeons, and guineas.

(gg) "Poultry food product" means any article of human food or any article intended for or capable of being so used which is prepared or derived in whole or in substantial part, from any edible portion of dressed poultry.

(hh) "Poultry grading and inspection service" means the personnel who are actively engaged in the administration, application, and direction of poultry grading and inspection programs and services pursuant to the regulations in this part.

(ii) "Product" means each of the following: (1) Dressed poultry; (2) ready-to-cook poultry; (3) edible poultry byproduct; (4) poultry food product; and (5) with respect to grading service only, live poultry.

(jj) "Quality" means the inherent properties of any product which determine its relative degree of excellence.

(kk) "Ready-to-cook poultry" means any dressed poultry from which the pinfeathers, vestigial feathers (hair or down as the case may be) head, shanks, crop, oil gland, trachea, esophagus, entrails, reproductive organs and lungs have been removed and with or without the giblets, is ready-to-cook without need of further processing; or any cut-up or disjointed portion of such poultry.

(ll) "Regional supervisor" means any employee of the Department in charge of poultry grading service or poultry inspection service in a designated geographical area.

(mm) "Regulations" means the provisions of this entire part and such United States specifications for classes, standards, and grades for products as may be in effect at the time grading or inspection is performed.

(nn) "Secretary" means the Secretary of the Department, or any other officer or employee of the Department to whom there has heretofore been delegated or to whom there may hereafter be delegated, the authority to act in his stead.

(oo) "Soundness" means freedom from external evidence of any disease or condition which may render a carcass unfit for food.

(pp) "State supervisor" means any authorized and designated individual who is in charge of the poultry grading service or the poultry inspection service in a State. A State supervisor of poultry inspection service shall be a veterinarian and he is either a Federal-State employee or a Federal employee.

(qq) "Station supervisor" means any authorized individual who is designated

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to supervise the poultry grading service or the poultry inspection service in a large official plant or in a group of several smaller plants.

ADMINISTRATION

§ 70.2 *Administration.* The Administrator shall perform for and under the supervision of the Secretary, such duties as are prescribed in the regulations in this part and as the Secretary may require in the administration of the regulations in this part.

GENERAL

§ 70.3 *Grading and inspection services available.* The regulations in this part provide for the following kinds of service; and any one or more of the different services, applicable to official plants, may be rendered in an official plant.

(a) *Grading of live poultry.*

(b) *Certification of dressed poultry produced under sanitary requirements; in official plants.*

(c) *Grading of dressed poultry.* (i) In an official plant.

(ii) At terminal markets and other receiving points other than official plants.

(d) *Inspection of dressed poultry in official plants for processing as ready-to-cook poultry.*

(e) *Grading of ready-to-cook poultry.*

(i) In an official plant.

(ii) At terminal markets and receiving points other than official plants.

(f) *Inspection service in official canning plants.*

§ 70.4 *Basis of service.* (a) Any inspection service in accordance with the regulations in this part shall be for condition and wholesomeness but, with respect to dressed poultry, as such, the inspection may be for condition only.

(b) Any grading service in accordance with the regulations in this part shall be for class, quality, quantity, or condition or any combination thereof. Grading service with respect to determination of quality of products shall be on the basis of United States specifications for classes, standards, and grades as contained in Subpart B of the regulations in this part. However, grading service may be rendered with respect to products which are bought and sold on the basis of institutional contract specifications and such service when approved by the Administrator, shall be rendered on the basis of the specifications of such contract.

(c) Continuous grading service in an official plant other than the service provided in § 70.3 (b) may be rendered only when a majority of the graders' time each month is utilized in performing grading for quality on the basis of the United States standards set forth in Subpart B of the regulations in this part.

(d) All grading service and all inspection service shall be subject to supervision at all times by the applicable station supervisor, State supervisor, circuit supervisor, regional supervisor, and national supervisor. Such services shall be rendered where the facilities and conditions are satisfactory for the conduct of the service and the requisite graders and inspectors are available.

(e) *Dressed poultry to be eligible for grading or inspection service shall have been processed in official plants.* Except as may be approved by the Administrator for a specified limited period with respect to dressed poultry which is to be inspected for canning, and except with respect to dressed poultry which is owned by the applicant prior to the effective date of these regulations, only dressed poultry which was processed in an official plant in accordance with the regulations in this part may be graded or inspected. Dressed poultry from other than official plants may be brought into an official plant only in instances where the Administration can determine that such dressed poultry will be adequately segregated and its form and identity maintained until it is shipped from the official plant.

(f) *Inspection in official plants; extent required.* All dressed poultry that is eviscerated in an official plant where inspection service is maintained shall be processed in a sanitary manner; and no uninspected edible products may be brought into such plant. Dressed poultry may be eviscerated in such plants without inspection for condition and wholesomeness but uninspected and inspected operations may not be carried on simultaneously except in plants where processing rooms (including packing rooms) are separate and effective segregation of inspected and uninspected products can be maintained; and evisceration without inspection may be conducted only if an inspector or a governmentally employed grader is on duty at all times when plant operations are carried on for the purpose of (1) effecting adequate segregation of inspected and uninspected products, (2) control of official inspection marks and grade marks, and (3) supervision of the sanitation in the official plant.

(g) *Certification of dressed poultry produced under sanitary requirements.* With respect to any official plant, dressed poultry, as such, may be certified by a grader as having been processed, handled and packed in accordance with the minimum standards for sanitation, facilities, and operating procedures in official plants. However, in official plants which have available the services of an inspector who is authorized to inspect for condition and wholesomeness, such inspector is also authorized to certify

dressed poultry, as such, as having been processed, handled, and packed in accordance with the minimum standards for sanitation, facilities, and operating procedures in official plants. The bulk containers of such dressed poultry which has been certified, as aforesaid, shall be marked for identification purposes and appropriate grading or inspection processing reports shall be issued with respect thereto as required by the regulations in this part. In an official plant where this kind of service is rendered all of the poultry that is processed in such official plant as dressed poultry shall be prepared in accordance with the regulations in this part and under the supervision of a grader or inspector.

§ 70.5 *Performance of services—(a) Licensed graders and inspectors.* (1) Any person who is a Federal or State employee possessing proper qualifications as determined by an examination for competency, and who is to perform grading service or inspection service may be licensed by the Secretary as a grader or an inspector.

(2) Any prospective grader, other than a Federal or State employee possessing proper qualifications as determined by an examination for competency and who is to perform grading service may be licensed by the Secretary as a grader. However, prior to granting of the license, he shall procure and deliver to the Administration a surety bond, issued by such surety as may be approved by the Administrator, in the amount of \$1,000 for the proper performance of the duties of such licensee under the regulations in this part.

(3) All licenses issued by the Secretary shall be countersigned by the officer in charge of the poultry grading and inspection service of the Administration or any other designated official of such service.

(b) *Suspension of license or authority; revocation.* Pending final action by the Secretary, the officer in charge of the poultry grading and inspection service may, whenever he deems such action necessary, suspend any license or authority effective pursuant to the regulations in this part, by giving notice of such suspension to the respective individual involved, accompanied by a statement of the reasons therefor. Within seven days after the receipt of the aforesaid notice and statement of reasons by such individual, he may file an appeal, in writing, with the Secretary supported by any argument or evidence that he may wish to offer as to why his license or authority should not be suspended or revoked. After the expiration of the aforesaid seven-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed seven days the license is revoked.

(c) *Surrender of license.* Each license which is suspended, or revoked, or has expired shall promptly be surrendered by the licensee to his immediate superior. Upon termination of the services of a licensed grader or inspector the

licensee shall promptly surrender his license to his immediate superior.

(d) *Identification.* Each grader and inspector shall have in his possession at all times, and present upon request while on duty, the means of identification furnished by the Department to such person.

(e) *Financial interest of inspectors and graders.* No inspector shall inspect and no grader shall grade for quality any product in which he is financially interested.

(f) *Political activity.* All graders and inspectors who are employees of the Department are forbidden during the period of their respective appointments, or licenses, to take an active part in political management or in political campaigns. Political activity in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including, but not being limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Willful violation of this section will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 70.6 *Applying for grading service or inspection service—(a) Who may obtain grading service or inspection service.* An application for grading service or inspection service may be made by any interested person, including, but not being limited to, the United States, any State, county, municipality, or common carrier, and any authorized agent of the foregoing.

(b) *How application may be made.*

(1) An application for inspection service must be made in writing and filed with the Administrator.

(2) An application for grading service to be rendered in an official plant must be made in writing and filed with the Administrator.

(3) An application for any grading service to be rendered other than in an official plant may be made in any office of grading, or with any grader at or nearest the place where the service is desired. Such application may be made orally, in writing, or by telegraph. If the application for grading service is made orally, the office of grading or the grader with whom the application is made, or the Administrator may require that the application be confirmed in writing.

(4) Each application for grading service or inspection service shall include such information as may be required by the Administrator in regard to the products and premises where the service is to be rendered.

(c) *Filing of application.* An application for grading service or inspection service shall be regarded as filed only when made pursuant to the regulations in this part.

(d) *Authority of applicant.* Proof of the authority of any person applying for grading service or inspection service may be required at the discretion of the Administrator.

(e) *Application for inspection service or grading service in official plants;*

approval. Any person desiring to process and pack products in a plant under grading service or inspection service, or both, must receive approval of such plant and facilities as an official plant prior to the rendition of such service. An application for grading service or inspection service to be rendered in an official plant shall be approved according to the following procedure:

(1) *Initial survey.* When application has been filed for grading service or inspection service, as aforesaid, the regional supervisor, or his assistant, shall examine the plant, premises, and facilities and shall specify any additional or necessary facilities required for the service. Appeals with respect to any such specification may be made to the national supervisor.

(2) *Drawings and specifications to be furnished in advance of construction or alterations.* Four copies of drawings, consisting of floor plans of space to be included in the official plant, showing the locations of such features as the principal pieces of equipment, floor drains, hand washing facilities, hose connections for clean-up purposes, cardinal points of the compass, and the routes of dressed poultry, and edible and inedible products through the plant, properly drawn to scale, shall be submitted to the regional supervisor. The official plant shall include toilet and dressing rooms, office space for the inspector and grader, store rooms for supplies used in the operations under inspection or grading, feeding rooms, and all rooms, compartments or passageways where products or any ingredients to be used in the preparation of products under inspection service or grading service will be handled or kept, and may include other rooms or compartments located in the buildings comprising the official plant. If rooms or compartments shown on the drawings are not to be included as part of the official plant this should be clearly indicated thereon. Specifications covering the height of ceilings, types of principal pieces of equipment, character of floors, walls, and ceilings, lighting, ventilation, water supply, and drainage, and such other notations as may be required, shall accompany the drawings. Construction or remodeling of buildings, facilities, or premises should not be initiated without prior approval of the drawings. Upon approval of drawings and specifications the application for grading service or inspection service may be approved.

(3) *Final survey and plant approval.* Prior to the inauguration of the grading service, or inspection service, a final survey of the plant and premises shall be made by the regional supervisor or his assistant to determine if the plant is constructed and facilities are installed in accordance with the approved drawings and the regulations in this part. The plant may be approved only when these requirements have been met, except that conditional approval for a specified limited time may be granted only under emergency conditions of restricted availability of facilities and construction materials, provided practices suitable to the Administrator are em-

ployed to effect adequate sanitary conditions in the plant.

(f) *Rejection of application.* Any application for grading service or inspection service may be rejected by the Administrator (1) for noncompliance by the applicant, with the act or the regulations in this part, or (2) whenever the product involved is owned by, or located on the premises of, a person currently denied the benefits of the act. Each such applicant shall be notified immediately of the reasons for the rejection.

(g) *Withdrawal of application.* Any application for grading or inspection service may be withdrawn by the applicant at any time before the service is performed upon payment by the applicant, of all expenses incurred by the Administration in connection with such application.

(h) *Order of service.* Grading service or inspection service shall be performed, insofar as practicable, in the order in which application therefor is made except that precedence may be given to any application for an appeal inspection or appeal grading.

(i) *Suspension of plant approval.* Any plant approval given pursuant to the regulations may be suspended for (1) failure to maintain plant and equipment in a satisfactory state of repair; (2) the use of operating procedures which are not in accordance with the regulations; or (3) alterations of buildings, facilities, or equipment which cannot be approved in accordance with the regulations.

During such period of suspension, inspection and grading service shall not be rendered. However, the other provisions of the contract for service will remain in effect unless terminated in accordance with the terms thereof. If the plant facilities or methods of operation are not brought into compliance within a reasonable period of time, to be specified by the Administrator, the contract shall be terminated. Upon termination of any contract providing for inspection or grading service in an official plant pursuant to the regulations, the plant approval shall also become terminated, and all labels, seals, tags or packaging material bearing official identification shall, under the supervision of a person designated by the Administration, either be destroyed, or the official identification completely obliterated, or sealed in a manner acceptable to the Administration.

§ 70.7 *Fraud or misrepresentation.* Any willful violation of the regulations in this part, the use of the terms "Government graded," "Federal-State graded," or terms of similar import in the labeling or advertising of any product without stating in conjunction therewith the U. S. grade of the product, or any willful misrepresentation or deceptive or fraudulent practice found to be made or committed by any person in connection with:

(a) The making or filing of any application for any grading service or inspection service;

(b) The use of any grading certificate or inspection certificate issued pursuant

to the regulations in this part, or the use of any official identification;

(c) The use of the terms "United States" or "U. S." in conjunction with the grade of the product;

(d) The use of any of the aforesaid terms or an official identification in the labeling or advertising of any product; or

(e) The use, in connection with any product, of a facsimile form which simulates in whole or in part any official identification; may be deemed sufficient cause for debarring such person from any or all benefits of the act after opportunity for hearing has been accorded him; and, pending investigation and hearing the Administrator may, without hearing, direct that such person shall be denied the benefits of the act.

§ 70.8 *Interfering with a grader or inspector.* Any further benefits of the act and the regulations in this part may be denied any applicant who either personally or through an agent or representative interferes with or obstructs, by intimidation, threats, ridicule, or assault, or in any other manner, a grader or inspector in the performance of his duties.

§ 70.9 *Other applicable regulations.* Compliance with the regulations in this part shall not excuse failure to comply with any other Federal, or any State or municipal, applicable laws or regulations.

§ 70.10 *Publications.* Publications under the act and the regulations in this part shall be made in the Federal Register, the Service and Regulatory Announcements of the Department, and such other media as the Administrator may approve for the purpose.

§ 70.11 *Identifying and marking products—(a) Approval of official identification.* (1) Any label or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe. No label or packaging material bearing official identification may be used unless finished copies or samples of such labels and packaging material have been approved by the Administrator. No label bearing the official identification shall be printed for use until the printer's final proof has been approved by the Administrator; and no label, other than labels for shipping containers for institutional packs, bearing any official identification shall be used until finished copies or samples of such labels have been approved by the Administrator. Final approval may be given to printer's final proof or photostatic copies of labels for shipping containers or containers for institutional packs, and no such labels shall be used until such proofs or copies have been approved by the Administrator. A label which bears official identification shall not bear any statement that is false or misleading, and if labels in the name of the same packer or distributor, or bearing the same brand name, are used on the same or similar products which are prepared from products which are not inspected, the diameter of the inspection mark, or

combination inspection and grading mark, used on labels for inspected products shall be equal to at least one-tenth of the length of the label, plus at least one-tenth of the width of the label. If the labeling is printed or otherwise applied directly on the container, the principal display panel of such container shall, for this purpose, be considered as the label

(b) *Products that may be individually grade marked; information required on grade mark.* Only the following products may be individually identified with a grade mark if the respective product is of A Quality or B Quality: Dressed poultry, and ready-to-cook poultry. Except as otherwise authorized each grade mark which is to be used shall conspicuously indicate the U. S. grade of the product which it identifies, and shall indicate whether the bird is "young" or "mature" or "old," and shall include one of the following phrases: "Federal-State Graded," "Government Graded," or a phrase of similar import. Such grade mark shall be contained within the outline of a shield of such design as may be prescribed or approved by the Administrator.

(c) *Use of grade mark and inspection mark with respect to the same product.* The Administrator is authorized to prescribe and approve the form of the grade mark and inspection mark that may be used individually or in combination with respect to the same product.

(d) *Marking inspected products—(1) Wording and form of the inspection mark.* Except as otherwise authorized, the inspection mark permitted to be used with respect to inspected and certified edible products shall include wording as follows: "Inspected for wholesomeness by U. S. Department of Agriculture." This wording, in such form as the Administrator may prescribe or approve, shall be contained within a circle. The Administrator may approve the use of abbreviations of such inspection mark; and such approved abbreviations shall have the same force and effect as the inspection mark. The inspection mark or approved abbreviation thereof, as the case may be, may be applied to the inspected and certified edible product or to the packaging material of such product. The inspection mark, or the approved abbreviation thereof, shall, when used on packaging material, be printed on such material or on a label to be affixed to the packaging material, and the name of the packer or distributor of such product must be legibly printed on the packaging material or label, as the case may be, excepting that on shipping containers and containers for institutional packs the inspection mark may be stenciled on the container and when the inspection mark is so stenciled, the name and address of the packer or distributor may be applied by the use of a stencil or a rubber stamp.

(2) *Wording on labels.* Each trade label to be approved for use pursuant to this section with respect to any inspected and certified edible product shall bear the true name of the edible product, the name and address of the packer or distributor thereof, and, in prominent let-

ters and figures of uniform size, the inspection mark, as aforesaid; and the label shall also bear, in such manner as may be prescribed or approved by the Administrator, the plant number, if any, of the official plant in which such product was inspected and certified.

(3) *Formulas required.* Copies of each trade label submitted for approval pursuant to this section shall, when the Administrator requires, be accompanied by a statement showing the kinds and percentages of the ingredients comprising the edible product with respect to which the label is to be used. Approximate percentages may be given in cases where the percentages of ingredients may vary from time to time, if the limits of variation are stated.

(4) *Wordings permitted on food products containing poultry products.* Any trade label which is to be affixed to a container of any food product containing poultry product which is packed under the supervision of an inspector in any official plant may bear the phrase: "The poultry product contained herein has been inspected and certified at a plant where Federal inspection is maintained." Each such trade label shall also be subject to the applicable provisions of this section.

(5) *Labels in foreign languages.* Any trade label to be affixed to a container of any edible products for foreign commerce may be printed in a foreign language. However, the inspection mark shall appear on the label in English, but, in addition, may be literally translated into such foreign language. Each such trade label which is to be printed in a foreign language must be approved pursuant to this section.

(6) *Use of approved labels.* Trade labels approved for use pursuant to this section shall be used only for the purpose for which approved.

(e) *Marking dressed poultry which was certified as having been produced under sanitary requirements.* The Administrator is authorized to prescribe and approve the manner in which dressed poultry which was processed in accordance with minimum standards for sanitation, facilities, and operating procedures in official plants may be marked for identification purposes.

§ 70.12 *Supervision of marking and packaging—(a) Evidence of label approval.* No grader or inspector shall authorize the use of official identification for any graded or inspected product unless he has on file evidence that such official identification or packaging material bearing such official identification has been approved in accordance with the provisions of § 70.11.

(b) *Affixing of official identification.* (1) No official identification or any abbreviation, copy or representation thereof may be affixed to or placed on or caused to be affixed to or placed on any product or container thereof except by a grader or an inspector or under the supervision of a grader or an inspector or other person authorized by the Administrator. All such products shall have been inspected and certified or graded or both. The grader or inspector shall have supervision over the use and handling of

all material bearing any official identification.

(2) Each container of inspected and certified edible products to be shipped from one official plant to another official plant for further processing shall be marked for identification and shall show the following information:

(i) The name of the inspected and certified edible products in the container;

(ii) The name and address of the packer or distributor of such product;

(iii) The net weight of the container;

(iv) The inspection mark permitted to be used pursuant to the regulations in this part, unless the containers are sealed or otherwise identified in such manner as may be approved by the Administrator; and

(v) The plant number of the official plant where the products were packed.

(c) *Packaging.* No container which bears or may bear any official identification or any abbreviation or copy or representation thereof may be filled in whole or in part except with edible products which were inspected and certified or graded or both and are at the time of such filling, sound, wholesome and fit for human food. All such filling of containers shall be under the supervision of an inspector or grader.

§ 70.13 *Retention labels.* An inspector or grader may use such labels, devices and methods as may be approved by the Administrator for the identification (a) of products which are held for further examination, and (b) all equipment and utensils which are to be held for proper cleaning.

§ 70.14 *Prerequisites to grading and inspection.* Grading and inspection of products shall be rendered pursuant to the regulations in this part and under such conditions and in accordance with such methods as may be prescribed or approved by the Administrator.

§ 70.15 *Accessibility of products.* Each product for which grading service or inspection service is requested shall be so placed as to disclose fully its class, quality, quantity, and conditions as the circumstances may warrant.

§ 70.16 *Time of grading or inspection in an official plant.* The grader or inspector who is to perform the grading or inspection in an official plant shall be informed, in advance, of the hours when such grading or inspection will be required. Graders and inspectors shall have access at all times to every part of any official plant to which they are assigned.

§ 70.17 *Report of inspection work and grading work.* Reports of the work of inspection and grading carried on within official plants shall be forwarded to the Administrator by the inspector and grader in such manner as may be specified by the Administrator.

(a) *Information to be furnished to inspectors and graders.* When inspection service or grading service is performed within an official plant, the applicant for such inspection or grading shall furnish to the inspector or grader rendering such service such information

as may be required for the purposes of this section.

(b) *Reports of violations.* Each inspector and each grader shall report, in the manner prescribed by the Administrator, all violations of and noncompliance with the act and the regulations in this part of which he has knowledge.

§ 70.18 *Fees and charges—(a) Payment of fees and charges.* (1) Fees and charges for any grading or inspection shall be paid by the applicant for the service in accordance with the applicable provisions of this section and, if so required by the Administrator, such fees and charges shall be paid in advance.

(2) Fees and charges for any grading or inspection performed by any grader or inspector who is a salaried employee of the Department shall, unless otherwise required pursuant to subparagraph (3) of this paragraph, be paid by check, draft, or money order payable to the Treasurer of the United States and remitted promptly to the Administration.

(3) Fees and charges for any grading or inspection pursuant to a cooperative agreement with any State or person shall be paid in accordance with the terms of such cooperative agreement.

(b) *Grading service on a fee basis.* (1) Unless otherwise provided the fees to be charged and collected for any grading service (other than for an appeal grading) on a fee basis shall be based on the applicable rates specified in paragraph (d) of this section.

(2) In the event the aforesaid applicable rates specified in paragraph (d) of this section are deemed by the Administrator to be inadequate fully to reimburse the Administration for all costs and other items paid or incurred by the Administration in connection with such service, the fees for such service shall not be based on the rates specified in paragraph (d) of this section, but shall be based on the time required to perform such service and the travel of each grader at the rate of \$3.60 per hour for the time actually required.

(3) If an applicant requests that any grading service be performed on a holiday or a non-work day, he may be charged for such service at a rate one and one-half times the rate which would be applicable for such service if performed on a day other than a holiday or non-work day.

(c) *Fees for appeal grading.* The fees to be charged for any appeal grading shall be double the fee specified in the grading certificate from which the appeal is taken: *Provided*, That the fee for any appeal grading requested by the United States, or any agency or instrumentality thereof, shall be not more than that set forth in the grading certificate from which the appeal is taken. If the fee on the certificate from which the appeal is taken is based on a contract, then the fee for such appeal grading shall be double the amount specified in paragraph (d) of this section for the applicable volume of product appeal graded. If the result of any appeal grading discloses that a material error was made in the grading appealed from, no fee shall be required.

(d) *Poultry grading fees.* For each grading of any lot of poultry, whether live, dressed, or ready-to-cook, the following fees shall be applicable:

For 500 pounds or less-----	\$1.50
For 501 to 1,500 pounds, inclusive----	2.25
For 1,501 to 3,000 pounds, inclusive--	3.00
For 3,001 to 6,000 pounds, inclusive--	4.00
For 6,001 to 10,000 pounds, inclusive--	6.00
For 10,001 to 20,000 pounds, inclusive--	10.00
For each additional 10,000 pounds or fraction thereof, in excess of 20,000 pounds -----	3.00

(e) *Inspection service on a fee basis.* Fees to be charged and collected for inspection services furnished on a fee basis shall be based on the time required to render such services including, but not being limited to, the time required for the travel of the inspector or inspectors in connection therewith, at the rate of \$3.60 per hour for each inspector for the time actually required.

(f) *Fees for additional copies of grading certificates and inspection certificates.* Additional copies, other than those provided for in § 70.30 and § 70.35, of any grading certificates or inspection certificates may be supplied to any interested party upon payment of a fee of \$1.00 for each set of five or fewer copies.

(g) *Traveling expenses and other charges.* Charges may be made to cover the cost of traveling and other expenses incurred by the Administration in connection with the performance of any grading service or inspection service.

(h) *Additional charges.* With respect to any grading service performed in a freight or express car or any other place where the entire lot of the product is not readily accessible to the grader, a charge of \$5.00 shall be made in addition to the applicable rates specified in paragraph (d) of this section.

(i) *On a contract basis.* Fees to be charged and collected for any grading service or inspection service, other than for an appeal grading, on a contract basis shall be those provided for in such contract. The fees to be charged for any appeal grading shall be as provided in paragraph (c) of this section.

(j) *Fees for grading service or inspection service performed under cooperative agreement.* The fees to be charged and collected for any grading service or inspection service performed under cooperative agreement shall be those provided for by such agreement.

(k) *Disposition of fees for inspections made under cooperative agreement.* Fees for inspection under a cooperative agreement with any State or person shall be disposed of in accordance with the terms of such agreement. Such portion of the fees collected under a cooperative agreement as may be due the United States shall be remitted to the Administration.

INSPECTION

§ 70.19 *Manner of handling products in an official plant.* Unless otherwise specified in the regulations in this part or by the Administrator, products which are to be further processed under inspection in an official plant shall be prepared and handled in such official plant under the supervision of an inspector.

§ 70.20 *Ante-mortem inspection.* Ante-mortem examination of poultry may be required by the Administrator as a prerequisite to any inspection; and such ante-mortem examination shall be carried out under such conditions and in accordance with such methods as may be prescribed or approved by the Administrator.

§ 70.21 *Evisceration.* No viscera or any part thereof shall be removed from any dressed poultry which is to be processed under inspection in any official plant, except at the time of evisceration and inspection. Each carcass to be eviscerated shall be opened so as to expose the organs and the body cavity for proper examination by the inspector and shall be prepared immediately after inspection as ready-to-cook poultry. If a carcass is frozen, it shall be thoroughly thawed before being opened for examination by the inspector. Each carcass, or all parts comprising such carcass, shall be examined by the inspector: *Provided,* That the Administrator may, whenever he deems it advisable and under such conditions as he may prescribe, authorize the removal from such carcass or parts as aforesaid, of any part thereof prior to such inspection if such part will not be used in the preparation of any edible product.

§ 70.22 *Carcasses held for further examination.* Each carcass, including all parts thereof, in which there is any lesion of disease, or other condition, which might render such carcass or any part thereof unfit for human food, and with respect to which a final decision cannot be made on first examination by the inspector, shall be held for further examination. The identity of each such carcass, including all parts thereof, shall be maintained until a final examination has been completed.

§ 70.23 *Condemnation and treatment of carcasses.* Each carcass, or any part thereof, which is found to be unsound, unwholesome, or otherwise unfit for human food shall be condemned by the inspector and shall receive such treatment, under the supervision of the inspector as will prevent its use for human food and preclude dissemination of disease through consumption by animals.

§ 70.24 *Certification of carcasses.* Each carcass and all parts and organs thereof which are found by the inspector to be sound, wholesome, and fit for human food shall be certified as provided in this part.

§ 70.25 *Reinspection of edible products.* (a) Any inspected and certified edible product may be brought into an official plant only if the container of such product is marked for identification in the manner prescribed in § 70.12 (b) (2) and the product is reinspected by an inspector at the time it is brought into such plant. Upon reinspection, if any such product or portion thereof is found to be unsound, unwholesome, or otherwise unfit for human food, such product, or portion thereof, shall be condemned and shall receive such treatment as that provided in § 70.23.

(b) Any product which is prepared under inspection in an official plant shall be inspected in such plant as often as the inspector deems it necessary in order to ascertain whether such product is sound, wholesome, and fit for human food at the time such product leaves such plant. Upon any such inspection, if any such product or portion thereof is found to be unsound, unwholesome, or otherwise unfit for human food, such product or portion thereof shall be condemned and shall receive such treatment as that provided in § 70.23.

(c) All substances and ingredients used in the manufacture or preparation of any edible product shall be clean, sound, wholesome, and fit for human food.

§ 70.26 *Edible products for canning.* Only inspected and certified edible products may be canned in an official plant; and such edible products shall be processed and handled in compliance with the following requirements:

(a) Immediate containers (whether of metal, glass, or other material) shall be cleaned thoroughly by washing in an inverted position with running water of a temperature of at least 180° F. prior to filling with edible products; and precaution shall be taken to avoid any subsequent soiling of the inner surfaces of such containers.

(b) Only perfect closure is acceptable for hermetically sealed containers; and heat processing of the products in such containers shall follow immediately after closing.

(1) Except as provided in paragraph (c) of this section, such products shall be so processed at such temperature and for such period of time as will insure preservation of the products under usual conditions of storage and transportation.

(2) Immediately after closing, and again after the containers have cooled sufficiently for handling after heat processing, careful examination shall be made by competent plant employees of all containers to ascertain whether such containers are perfectly sealed. The edible products in such containers as are defectively closed or sealed shall, as promptly as practicable, be filled into other containers, hermetically sealed, and heat processed unless the containers are promptly placed in a cooler at a temperature not exceeding 36° F. under conditions that will promptly and effectively chill them. Such chilled containers of products shall be opened and the contents removed and reprocessed immediately after removal from the cooler: *Provided,* That if such containers remained in the cooler for a period of 24 hours or longer, the contents shall be inspected by an inspector prior to the reprocessing thereof. Failure to comply with the provisions of this paragraph shall subject the edible products to condemnation.

(c) After heat processing, and after the containers have cooled sufficiently for handling, the containers shall be examined by competent plant employees and shall not be passed unless showing the external characteristics of sound containers, that is, there is no bulging or slack or loose tin.

(d) After heat processing, any containers of edible products showing characteristics of short vacuum or over-stuffed containers shall, when an inspector deems it necessary in order to determine whether spoilage of the product has taken place, be incubated under the supervision of an inspector, after which the containers shall be opened and sound products passed for food and spoiled products condemned.

(e) Edible products may, when authorized by the national supervisor, and under such conditions as he may prescribe or approve, be canned without steam-pressure cooking, and such products shall be labeled "Perishable, keep under refrigeration."

(f) Each lot of canned edible products shall be identified, during the handling preparatory to heat processing, by tagging the baskets, cases, or containers with a tag which will change color on going through the heat processing or by other effective means which will positively prevent failure to heat process.

(g) Facilities shall be provided to incubate at least representative samples of fully processed canned edible products. The incubation shall consist of holding the samples for at least 10 days at about 98° F. The extent to which incubation tests shall be required will depend on conditions such as the efficiency of the plant in conducting canning operations, the kind of equipment used, and the degree of efficiency at which such equipment is maintained.

(1) In the event the official plant fails to provide suitable facilities for incubation of test samples of any lot of fully processed canned edible products, the inspector in charge may require holding of the entire lot under such conditions and for such period of time as will, in his discretion, be necessary to ascertain the stability of the product.

(2) The inspector in charge may, prior to completion of any required incubation of a representative sample, permit lots of fully processed canned edible products to be shipped from the official plant when he has no reason to suspect unsoundness of such products; however, such shipments shall be made under circumstances which will assure the return of the products to the plant for reinspection should such action be indicated by the incubation results.

(h) All canned products, excepting those in glass, shall be plainly and permanently marked, by code or otherwise, on the containers, with the identity of the contents and date of canning. If the marking is by code, its meaning shall be on record in the office of the inspector in charge.

§ 70.27 *Products contaminated by polluted water; procedure for handling.*

(a) In the event there is polluted water (including, but not being limited to, flood water and harbor water) in an official plant, all edible products that have been contaminated by the water shall be condemned.

(b) After the polluted water has receded, all walls, ceilings, posts, and floors of the rooms and compartments involved, including the equipment therein, shall, under the supervision of an in-

spector, be cleansed thoroughly. An adequate supply of hot water, under pressure, is essential for effective cleansing. After cleansing, a solution of sodium hypochlorite containing approximately $\frac{1}{2}$ of 1 percent of available chlorine (5,000 parts per million), or other disinfectant approved by the national supervisor, shall be applied; and all metal surfaces shall be rinsed thoroughly with water to prevent corrosion. Any such equipment that will afterwards be used in connection with any edible product shall be rinsed thoroughly with clean water before being used.

(c) Hermetically sealed containers of edible products which have been submerged in, or otherwise contaminated by, the polluted water shall be rehandled promptly under supervision of an inspector as follows:

(1) Such of the containers as are swollen or leaky or otherwise do not show the external characteristics of sound containers shall be segregated and the contents thereof condemned.

(2) Paper labels, if any, attached or affixed to the remaining containers shall be removed and the containers washed in warm soapy water; and, if necessary to remove rust and other foreign material, a brush shall be used.

(3) Thereafter, such containers shall be immersed in a solution of sodium hypochlorite containing not less than 100 parts per million of available chlorine, or other disinfectant approved specifically for this purpose by the national supervisor, and rinsed in clean fresh water and dried thoroughly. Any such containers which show extensive rusting or corrosion, such as might materially weaken the container, shall be opened under the supervision of an inspector. The edible products from such containers that are found by the inspector to be sound and wholesome shall be passed for human food.

(4) The remaining containers may be relacquered, if necessary, and then relabeled with approved labels applicable to the edible products therein.

(5) The identity of the canned edible products shall be maintained throughout all stages of the rehandling operation to insure correct labeling of the containers.

§ 70.28 *Preparation of animal food or similar uninspected articles in an official plant.*

(a) When an article (including, but not being limited to, animal food) that will not be prepared for use as human food is prepared in any room or compartment in an official plant where edible products are prepared or handled (such room or compartments being herein referred to as "edible products department"), there shall be sufficient space allotted, and adequate equipment provided, so that the preparation of the article in no way interferes with the preparation or handling of the edible products. Where necessary, separate equipment shall be provided for the preparation of the article. To assure the maintenance of the requisite sanitary conditions in the edible products department, the operations incident to the preparation of the article shall be

subject to the same sanitary requirements as apply to the edible products department. Preparation of the article shall be limited to those hours during which the official plant operates under the supervision of an inspector. The ingredients used in the preparation of the article shall, unless otherwise approved by the national supervisor, be such as may be used in the preparation of an edible product. The article may be stored in, and distributed from, the edible products department if the article is properly identified.

(b) When any article (including, but not being limited to, animal food) that will not be prepared for use as human food, is prepared in any part of an official plant other than an edible products department (such part of the plant being herein referred to as "inedible products department"), the area in which such article is prepared shall be distinctly separated from all edible products departments. Edible products and inedible products may be brought from any edible products department into any inedible products department, but no edible product or inedible product from an inedible products department may be brought into an edible products department except under such conditions as may be prescribed or approved by the national supervisor. Any such articles as are in sealed containers or are handled in the manner prescribed or approved by the national supervisor may be brought into an edible products department. Diseased carcasses or diseased parts of any carcass shall not be used in the preparation of any animal food. Trucks or containers used for the transportation of edible products or inedible products into an inedible products department shall be cleaned before being returned to or brought into an edible products department. Sufficient space shall be allotted and adequate equipment and facilities provided so that the preparation of the article does not interfere with the preparation of edible products in the plant or the maintenance of the requisite sanitary conditions in the official plant. The preparation of any article shall be subject to supervision by an inspector.

(c) The immediate container of any such article that is prepared in an official plant shall be conspicuously labeled so as to distinguish it from human food.

§ 70.29 *Appeal inspections; how made.*

Any interested party may, if dissatisfied with any decision of an inspector relating to any inspection, file an appeal from such decision. Any such appeal from a decision of an inspector shall be made to his immediate superior having jurisdiction over the subject matter of the appeal. Review of such appeal findings, when requested, shall be made by the immediate superior of the employee of the Department making the appeal inspection.

§ 70.30 *Inspection certificates—(a) Forms of inspection certificates.* Each inspection certificate issued pursuant to the regulations in this part shall be approved by the Administrator as to form, and:

(1) Each dressed poultry inspection certificate shall show the class or classes

of poultry, the quantity of product contained in the respective lot, and all pertinent information concerning the condition and wholesomeness thereof;

(2) Each food product inspection certificate shall show the names of the edible products covered by such certificate, the quantity of each such product, such shipping marks as are necessary to identify such products, and all pertinent information concerning the condition and wholesomeness thereof;

(3) Each export certificate shall show the respective names of the exporter and the consignee, the destination, the shipping marks, the numbers of the export stamps attached to the edible products to be exported and covered by the certificate, and the names of such products and the total net weight thereof.

(b) *Issuance and disposition of dressed poultry inspection certificates.* (1) Upon the request of an interested party, any inspector is authorized to issue a dressed poultry inspection certificate with respect to any lot of dressed poultry inspected by him. Each certificate shall be signed by the inspector who made the inspection covered by the certificate, and if more than one inspector participated in the inspection of the lot of poultry, each such inspector shall sign the certificate with respect to such lot.

(2) The original of each inspection certificate, issued pursuant to this section, and not to exceed three copies thereof, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. One copy shall be filed in the office of the regional supervisor serving the area in which the inspection was performed, and the remaining copies to be disposed of in such manner as the Administrator may approve. Additional copies of any such certificate may be furnished to any interested party as provided in § 70.18 (f).

(c) *Food product inspection certificates; issuance and disposition.* (1) Upon the request of an interested party, any inspector is authorized to issue a food product inspection certificate with respect to any inspected and certified edible product after suitable examination of the product has been made by the inspector.

(2) The original of each food product inspection certificate, and not to exceed two copies thereof, if requested, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. Another copy shall be filed in the office of the regional supervisor serving the area in which such certificate was issued, and one copy shall be forwarded to the Administrator. The last named two copies shall be retained until otherwise ordered by the Administrator.

(d) *Export certificates; issuance and disposition.* (1) Upon the request of an exporter, any inspector is authorized to issue an export certificate with respect to the shipment to any foreign country of any inspected and certified edible product after suitable examination of the product has been made by the inspector.

(2) Each export certificate shall be issued in quintuplicate; the original

shall be delivered to the exporter who requested such certificate; and the duplicate copy shall be delivered to the agent of the railroad or other carrier transporting such products from the United States. The triplicate copy of such export certificate shall be forwarded to the Administrator; the quadruplicate copy shall be filed in the office of the regional supervisor serving the area in which such export certificate was issued; and the memorandum copy shall be retained by the inspector for filing. The last named three copies shall be retained until otherwise ordered by the Administrator.

(e) *Advance information.* Upon the request of an applicant, all or part of the contents of any inspection certificate issued to such applicant may be telephoned or telegraphed to him, or to any person designated by him, at his expense.

GRADING

§ 70.31 *General.* Grading service performed with respect to any quantity of products shall, as the case may require, be on the basis of an examination, pursuant to the regulations in this part, of each unit thereof or of each unit in the representative sample thereof drawn by a grader. Whenever the grading service is performed on a representative sample basis, such sample shall be drawn and consist of not less than the minimum number of containers as indicated in the following table:

[Minimum number of containers comprising a representative sample]

Containers in lot:	Containers in sample
3 containers, or less.....	(¹) 3
4 to 10, inclusive.....	4
11 to 20, inclusive.....	3
21 to 50, inclusive.....	7
51 to 100, inclusive.....	10
In excess of 100 containers.....	(²)

¹ All containers.

² Ten percent of the number of containers in the lot.

§ 70.32 *Live poultry.* Grading service performed with respect to any quantity of live poultry shall, as the case may require, be on the basis of an examination, pursuant to regulations in this part, of each unit thereof or of each unit in the representative sample thereof drawn by a grader. Such poultry may be identified with official identification on a lot basis only.

§ 70.33 *Dressed poultry and ready-to-cook poultry—(a) In an official plant.* Grading service performed in an official plant with respect to dressed poultry or ready-to-cook poultry shall, as the case may require, be on the basis of each individual carcass or on a representative sample basis.

(1) Only such ready-to-cook poultry which has been inspected and certified, pursuant to the regulations in this part, or has been inspected and passed by any other official inspection system which is acceptable to the Administrator, may be graded.

(2) Only such dressed poultry or ready-to-cook poultry which has been graded, on an individual carcass basis, as A Quality or B Quality may be individually identified with the appropriate

grade mark, and any container of such dressed poultry or ready-to-cook poultry may also be so identified. The grading of ready-to-cook poultry shall be performed prior to the disjuncting or cutting up of the respective carcass.

(3) If the dressed poultry or ready-to-cook poultry is of C Quality only the bulk container of such dressed poultry or ready-to-cook poultry may be identified with the appropriate grade mark even though the grading may have been performed on an individual carcass basis.

(b) *At terminal markets and other receiving points.* Grading service performed with respect to dressed poultry or ready-to-cook poultry at terminal markets and other receiving points may be on a representative sample basis. Only such dressed poultry which was processed in an official plant and is graded on an individual carcass basis may be individually identified with a grade mark. Only ready-to-cook poultry which was inspected and certified and is marked with the inspection mark or in accordance with the provisions of § 70.12 (b) (2) may be graded.

§ 70.34 *Basis of acceptability of other official inspection systems—(a) General.* Any poultry inspection system may be deemed to be acceptable to the Administrator which (1) is conducted under the authority of laws, ordinances, or similar enactments of the State, county, city, or other political subdivision in which is located the official plant at which the ready-to-cook poultry is prepared and submitted for grading service; and (2) imposes at least the requirements set forth in paragraph (b) of this section: *Provided,* That no such inspection system shall be deemed acceptable to the Administrator with respect to any official plant in which ready-to-cook poultry is prepared if he finds at any time that such requirements are not adequately enforced.

(b) *Requirements as to manner of inspection.* (1) The inspection shall be made by a State, county or city inspector who is a qualified veterinarian or under the supervision of a qualified veterinarian. All such inspectors shall be employed by the State, county, city, or other political subdivision in which the official plant is located.

(2) The inspection shall include post-mortem examination of each poultry carcass during the evisceration operation.

(3) All carcasses which show evidence of disease or any other condition which may render them unwholesome or unfit for food shall be condemned and shall be destroyed for food purposes under the supervision of an inspector. Each carcass and part thereof which has been inspected and passed or containers of carcasses or parts thereof shall bear the identifying inspection symbol of the other official inspection system and the marking devices or labels shall be in the custody of the inspector at all times.

(c) *Determining compliance with paragraph (b) of this section.* A qualified veterinary supervisor of the poultry grading service of the Administration shall investigate the manner of operation of the inspection system to deter-

mine the adequacy of the post-mortem examination and the compliance with the requirements contained in this section prior to approving the official plant for the grading of ready-to-cook poultry. This supervisor as well as any official graders who may be stationed in the official plant shall periodically observe the inspection operations in the official plant to determine whether the requirements of this section are being met. If at any time the inspector fails to enforce the requirements as set forth in the inspection system, grading service may be withdrawn from the official plant.

§ 70.35 *Grading certificates*—(a) *Forms.* Grading certificates (including appeal grading certificates and regrading certificates) shall be issued on forms approved by the Administrator.

(b) *Issuance and disposition.* (1) Each grader shall issue a grading certificate covering each product graded.

(2) The original of each grading certificate, issued pursuant to this section, and not to exceed three^o of the copies thereof, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. One copy shall be filed in the office of grading which serves the area in which the grading service was performed, and the remaining copies shall be disposed of in such manner as the Administrator may approve. Additional copies of any such certificate may be furnished to any interested party as provided in § 70.18 (f).

(c) *Advance information.* Upon the request of an applicant, all or part of the contents of any grading certificate issued to such applicant may be telephoned or telegraphed to him, or to any person designated by him, at his expense.

§ 70.36 *Application for regrading of a graded product; regrading certificates*—(a) *Application for regrading of a graded product.* An application for a regrading of any previously graded product may be made at any time by any interested party, and such application shall clearly state the reasons for requesting the regrading. The provisions of the regulations relative to grading service shall apply to regrading service.

(b) *Regrading certificates.* Immediately after a regrading has been completed, a regrading certificate shall be issued showing the results of such regrading; and such certificate shall thereupon supersede, as of the time of issuance of the regrading certificate, the grading certificate previously issued for the product involved. Each regrading certificate shall clearly set forth the number and date of the grading certificate which it supersedes. The provisions of § 70.35 shall, whenever applicable, also apply to regrading certificates except that copies of such regrading certificates shall be furnished each interested party of record.

§ 70.37 *Appeal grading*—(a) *Application for appeal grading.* An application for an appeal grading may be made by any interested party who is dissatisfied with any determination stated in any grading or regrading certificate only if

the identity of the product, or representative sample thereof, on the basis of which a determination was made has not been lost, and such application for the appeal grading is made within two days following the day on which the grading was performed. Upon approval by the Administrator, the time within which an application for an appeal grading may be made may be extended.

(b) *How to obtain appeal grading.* Appeal grading may be obtained by filing a request therefor (1) with the Administrator, (2) with the grader who issued the grading certificate with respect to which the appeal grading is requested, (3) with the immediate superior of such grader, or (4) with the officer in charge of any office of grading. The application for appeal grading shall clearly state the reasons therefor and may be accompanied by a copy of the aforesaid grading certificate or any other information the applicant may have secured regarding the product, at the time of grading, from which the appeal is requested. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If made orally, written confirmation may be required.

(c) *Record of filing time.* A record showing the date and hour when each such application for appeal grading is received shall be maintained in such manner as the Administrator may prescribe.

(d) *When an application for an appeal grading may be refused.* Notwithstanding the provisions of paragraph (a) of this section, if it appears to the Administrator that the reasons for an appeal grading are frivolous or not substantial, or that the quality or condition of the products has undergone a material change since the grading from which the appeal is made, or the identical products that were examined to ascertain the grade thereof cannot be made accessible for reexamination, or the act or regulations in this part have not been complied with, the Administrator may refuse the applicant's request for the appeal grading; and such applicant shall be promptly notified of the reason for such refusal.

(e) *When an application for appeal grading may be withdrawn.* An application for appeal grading may be withdrawn by the applicant at any time before the appeal grading is made upon payment, by the applicant, of all expenses incurred by the Administration in connection with such application.

(f) *Who shall perform the appeal grading.* An appeal grading of any graded product shall be made by any grader (other than the one from whose grading the appeal is made) designated for this purpose by the Administrator; and, whenever practicable, such appeal grading shall be conducted jointly by two such graders.

(g) *Appeal grading by immediate superior.* Notwithstanding the provisions of this section, whenever the immediate superior of a grader has evidence that such grader incorrectly graded a product, such superior shall immediately make a regrading of the product.

(h) *Order of performance of appeal gradings.* Appeal gradings shall be performed, insofar as practicable, in the order in which applications therefor are received; and any such application may be given precedence pursuant to § 70.6.

(i) *Appeal grading certificates.* Immediately after an appeal grading has been completed, an appeal grading certificate shall be issued showing the results of such appeal grading. Such certificate shall thereupon supersede the grading certificate for the product involved and such supersedure shall be effective as of the time of issuance of the grading certificate with respect to which the appeal is made. Each appeal grading certificate shall clearly set forth the number and the date of the grading certificate which it supersedes. The provisions of § 70.35 shall, whenever applicable, also apply to appeal grading certificates except that copies of such appeal grading certificates shall be furnished each interested party of record.

§ 70.38 *Superseded certificates.* Whenever any grading certificate is superseded in accordance with the regulations in this part such certificate shall become null and void as of the effective time of supersedure. If the original and all copies of such superseded certificate are not delivered to the person issuing the regrading certificate or appeal grading certificate, he shall notify such persons as he considers necessary to prevent fraudulent use of the superseded certificate.

SANITARY REQUIREMENTS

§ 70.39 *Minimum standards for sanitation, facilities, and operating procedures, in official plants.* Except as otherwise provided in this part the provisions of this section shall apply with respect to grading service and inspection service in all official plants other than with respect to the grading of live poultry. The table set forth in this section indicates some of the types of material which may be used in the construction of equipment, utensils and facilities for use in the plant.

BUILDINGS AND PLANT FACILITIES

(a) *The buildings shall be of sound construction and kept in good repair, and shall be of such construction as to prevent the entrance or harboring of vermin*—(1) *Outside openings.* (i) The doors, windows, skylights and other outside openings of the plant, except receiving rooms and feeding rooms shall be protected by properly fitted screens or other suitable devices, against the entrance of flies and other insects.

(ii) *Outside doors, except in receiving rooms and feeding rooms shall be self-closing and so hung that not over ¼ inch clearance remains when closed. Screen doors shall open toward the outside of the building.*

(b) *Rooms and compartments used for edible products shall be separate and distinct from inedible products departments and from rooms where live poultry is held or slaughtered. Separate rooms shall be provided when required for conducting processing operations in a sanitary manner; and all rooms shall be of sufficient size to permit the installation of the necessary equipment for processing operations and the conduct of such operations in a sanitary manner.*

(1) The official plant should have separate rooms for each of the following opera-

tions depending upon the various types of operations conducted; but in no case shall the receiving or feeding of live poultry or killing operations be permitted in rooms in which eviscerating operations are performed:

(i) The receiving and feeding of live poultry.

(ii) Killing, scalding, and roughing operations.

(iii) Pinning, finishing, and chilling and packing operations for dressed poultry.

(iv) Evisceration operations. Final pinning of dressed poultry and chilling and packaging of edible products may be performed in this room. Opening in walls for conveyor lines are permissible.

(v) Inedible products departments.

(vi) Refuse rooms. Separate refuse room, or other equally adequate facilities, shall be required in eviscerating plants and in other plants where accumulations of refuse occur.

(2) Rooms and compartments in which carcasses or parts thereof are held for further inspection shall be in such numbers and such locations as the needs of the inspection in the plant may require. These rooms and compartments shall be equipped with locks and keys and the keys shall not leave the custody of the inspector in charge of the plant. All such rooms and compartments shall be marked conspicuously with the word "retained" in letters not less than 2 inches high.

(3) *Coolers and freezers.* Coolers and freezers of adequate size and capacity shall be provided to reduce the internal temperature of dressed poultry and ready-to-cook poultry prepared and otherwise handled in the plant to 36° F. within 24 hours unless other cooling facilities are available.

(4) *Refuse rooms.* Refuse rooms shall be entirely separate from other rooms in the plant, shall have tight fitting doors and be properly ventilated.

(5) *Storage and supply rooms.* The storage and supply rooms shall be in good repair, kept dry, and maintained in a sanitary condition.

(6) *Boiler room.* The boiler room shall be a separate room, if necessary, to prevent its being a source of dirt and objectionable odors entering any room where dressed poultry or edible products are prepared, processed, handled, and stored.

(7) *Inspector's office.* Furnished office space, including, but not being limited to, light, heat and janitor service shall be provided rent free in the official plant, for the exclusive use for official purposes of the inspector or grader and the Administration. The room or rooms set apart for this purpose must meet the approval of the regional supervisor and be conveniently located, properly ventilated and provided with lockers or cabinets suitable for the protection and storage of supplies and with facilities suitable for inspectors and graders to change clothing.

(8) Toilet rooms opening directly into rooms where poultry products are exposed shall have self-closing doors and shall be ventilated to the outside of the building.

(c) *The floors, walls, ceilings, partitions, posts, doors and other parts of all compartments shall be of such material, construction, and finish as will make them susceptible of being readily and thoroughly cleaned—*

(1) *Floors.* (i) All floors, except those in receiving rooms and feeding rooms and floors which are kept dry, shall be constructed of hardened concrete, or of tile laid closely together with impervious joint material, or of other similar impervious material and kept in good repair.

(ii) The floors in killing, ice-cooling, ice-packing, and eviscerating rooms shall be graded to permit run-off with no standing water and in new construction and renovated plants the pitch shall be not less than 1/4 inch per foot to drains.

(iii) In new construction the junction of the wall with the floor shall be covered on a radius of not less than 2 inches and the window ledges shall be set at an angle of approximately 45°, and all upper horizontal surfaces shall be kept to a minimum.

(2) *Ceilings and walls.* (i) Ceilings and walls in rooms and compartments where exposed edible products are processed, handled or stored shall have tiled, enameled, or other smooth surface impervious to moisture.

(ii) Cooler and freezer rooms shall have interior surfaces impervious to moisture so as to permit thorough cleaning.

(3) *Blood disposal.* (1) Adequate facilities shall be provided for the disposal of blood in a sanitary manner.

(ii) When bleeding troughs are used they shall be long enough to catch the blood during the bleeding process and shall be cleaned daily. Such troughs shall be installed so as to pitch at least 1/2 inch per foot toward a smooth metal catch basin or basins, of sufficient capacity for a day's operation at peak production, or shall be flushed continuously.

(d) *There shall be an efficient drainage and plumbing system for the plant and premises.*

(1) All drains and gutters shall be properly installed with approved traps and vents. The drainage and plumbing system must permit the quick run-off of all water from plant buildings, and surface water around the plant and on the premises; and all such water shall be disposed of in such a manner as to prevent a nuisance or health hazard.

(2) *Sewerage and plant wastes.* (i) The sewerage system shall have adequate slope and capacity to remove readily all waste from the various processing operations and to minimize, and if possible to prevent stoppage and surcharging of the system.

(ii) Grease traps which are connected with the sewerage system shall be suitably located but not near any edible products department or in any area where products are unloaded from, or loaded into, vehicles. To facilitate cleaning such traps shall have inclined bottoms and be provided with suitable covers.

(iii) In new construction, toilet soil lines shall be separate from house drainage lines to a point outside the buildings; and drainage from toilet bowls and urinals shall not be discharged into a grease catch basin.

(iv) All floor drains shall be equipped with traps, constructed so as to minimize clogging; and the plumbing shall be installed so as to prevent sewerage from backing up and from flooding the floor.

(v) Floor drainage lines should be of metal and at least 4 inches in diameter and open into main drains of at least 6 inches in diameter and shall be properly vented to the outside air

(vi) In new construction, valley or gutter drains shall have concave bottoms or the junctions of the sides and the bottoms shall be coved.

(vii) Where refrigerators are equipped with drains, such drains should be properly trapped and should discharge through an air gap into the sewer system. All new installations, and all replacements, of refrigerators equipped with drains shall meet these requirements.

(e) *The water supply shall be ample, clean, and potable with adequate pressure and facilities for its distribution in the plant, and its protection against contamination and pollution.*

(1) Hot water at a temperature not less than 180° F. shall be available for sanitation purposes.

(2) Hose connections with steam and water mixing valves or hot water hose connections shall be provided at convenient locations throughout the plant for cleaning purposes.

(3) The refuse rooms shall be provided with adequate facilities for washing refuse cans and other equipment in the rooms;

and the rooms, cans, and equipment shall be cleaned after each day's use.

(f) *Modern lavatory accommodations, and properly located facilities for cleaning utensils and hands shall be provided.* (1) Adequate lavatory and toilet accommodations, including, but not being limited to, running hot water and cold water, soap, and towels, shall be provided. Such accommodations shall be in or near toilet and locker rooms and also at such other places in the plant as may be essential to the cleanliness of all personnel handling products.

(2) Sufficient metal containers shall be provided for used towels and other wastes.

(3) The water supply in all hand washing facilities serving areas where dressed poultry and edible products are prepared shall be operated by other than hand operated controls or shall be of a continuous-flow type.

(4) Durable signs shall be posted conspicuously in each toilet room and locker room directing employees to wash their hands before returning to work.

(5) Toilet facilities shall be provided according to the following formula.

Persons of same sex:	<i>Toilet bowls required</i>
1 to 15, inclusive.....	1
16 to 35, inclusive.....	2
36 to 55, inclusive.....	3
56 to 80, inclusive.....	4
For each additional 30 persons in excess of 80.....	1

¹ Urinals may be substituted for toilet bowls but only to the extent of 1/3 of the total number of bowls stated.

(g) *There shall be ample light, either natural or artificial or both, of good quality and well distributed, and sufficient ventilation for all rooms and compartments to insure sanitary conditions.* (1) All rooms in which poultry is killed, eviscerated, or otherwise processed shall have at least 10 foot candles of light intensity on all working surfaces except that at the grading and inspection stations such light intensity shall be of 50 foot candles. In all other rooms there shall be provided at least 4 foot candles of light intensity when measured at a distance of 30 inches from the floor.

(2) All rooms shall be adequately ventilated to eliminate objectionable odors and minimize moisture condensation.

EQUIPMENT AND UTENSILS

(h) *Equipment and utensils used for the preparation, processing, or otherwise handling any product in the plant shall be suitable for the purpose intended and shall be of such material and construction as will facilitate their thorough cleaning and insure cleanliness in the preparation and handling of products.* (1) Insofar as it is practical, equipment and utensils shall be made of metal or other impervious material. Trucks and receptacles used for handling inedible products shall be of similar construction and shall be conspicuously and distinctly marked and shall not be used for handling any edible products.

(2) Batteries should be constructed entirely of metal and have metal dropping pans so as to permit proper and complete washing and cleaning. Batteries that are not made entirely of metal shall be replaced with metal batteries whenever replacement becomes necessary.

(3) Metal refuse containers with covers shall be provided; and such containers shall be kept covered.

(4) *Scalding equipment.* (i) Scalding equipment, tank or spray type, shall be made of metal and have smooth surfaces, and be of such construction as to permit proper and complete washing and cleaning.

(ii) The scalding tanks, when used, shall be so constructed as to prevent contami-

nation of potable water lines and to permit water to enter continuously at the rate of ¼ gallon per bird per minute and to flow out through an overflow.

(iii) The overflow outlets in scalding equipment shall be of sufficient size to permit feathers and water to be carried off.

(iv) The overflow, draw-off valves, and sediment basin drain shall discharge into a floor or valley drain, or onto the floor in close proximity to a floor or valley drain.

(5) *Mechanical pickers.* When necessary, safety guards shall be installed around moving machine parts of mechanical pickers, and such guards shall be of such construction as to be difficult or laborious to remove or to keep clean. Sheet metal or metal grills fastened down with sufficient bolts and wing nuts are preferable.

(6) *Wax finishing.* (i) When wax dipping is used, metal troughs shall be provided to catch the wax removed from the dipped poultry. Acceptable facilities and methods shall be employed in reclaiming the wax.

(7) *Ice chilling vats.* (i) Chilling vats or tanks used for chilling dressed poultry should be, and all replacements thereof and all chilling vats or tanks used for chilling ready-to-cook poultry shall be, made of metal or other hard-surfaced impervious material.

(ii) Ice shovels shall be smooth surfaced and made of metal.

(8) *Grading and packing bins.* Where grading bins are used for poultry, they shall be of sufficient number and capacity to handle the grading adequately without the use of makeshift bins; and all dressed poultry shall be kept off the floor. Grading bins may be made of metal or enameled wood and shall be constructed and maintained in such a manner as to allow easy and thorough cleaning. All replacements of such bins shall, however, be of metal.

(9) Except as otherwise provided herein, all equipment and utensils used in the killing, roughing, pinning, chilling and packing rooms shall be of metal or other impervious material and constructed so as to permit proper and complete cleaning.

(10) *Conveyors.* (i) Conveyors used in the preparation of ready-to-cook poultry shall be of metal or other acceptable material and of such construction as to permit thorough and ready cleaning and easy identification of viscera with its carcass and so designed as will present each carcass or all parts thereof in a way that will permit adequate, and efficient inspection.

(ii) Overhead conveyors shall be so constructed and maintained that they will not allow grease, oil, or dirt to accumulate on the drop chain or shackle which shall be of non-corrosive metal.

(iii) Non-metallic belt-type conveyors used in moving edible products shall be of water-proof composition.

(iv) When individual trays or other acceptable equipment are not used during eviscerating operations, each carcass shall be suspended and a metal trough shall be provided beneath the conveyor to extend from the point where the carcass is opened to the point where the viscera has been completely removed, and such troughs shall be flushed continuously by a water spray.

(11) Inspection, eviscerating, and cutting tables shall be made of metal and have coved corners and be so constructed and placed to permit thorough cleaning.

(12) In plants where no conveyors are used, each carcass shall be eviscerated in an individual metal tray of seamless construction.

(13) Water spray washing equipment with sufficient water pressure to thoroughly and efficiently wash carcasses shall be used for washing carcasses inside and out.

(14) Watertight metal receptacles shall be used for entrails and other waste resulting from preparation of eviscerated poultry.

(15) Watertight trucks and receptacles for holding or handling diseased carcasses and diseased parts of carcasses shall be so constructed as to be readily and thoroughly cleaned; such trucks and receptacles shall be marked in a conspicuous manner with the word "condemned" in letters not less than 2 inches high and, when required by the inspector in charge, shall be equipped with facilities for locking and sealing.

(16) Freezing rooms should be adequately equipped to freeze ready-to-cook poultry solid in less than 60 hours. Freezing rooms shall be equipped with floor racks or pallets and fans to insure air circulation.

(17) Cooling racks should be made of metal and be readily accessible for thorough washing and cleaning. All replacements of cooling racks shall be made of metal.

(18) Trucks and receptacles in which carcasses or parts thereof are held for further inspection shall be in such numbers and in such locations as the needs of the inspection in the plant may require. They shall be equipped for locking by means of lock and key and the key shall not leave the custody of the inspector in charge of the plant. Such trucks and receptacles shall be marked conspicuously with the word "retained" in letters not less than 2 inches high.

(i) *All equipment shall be so placed as to be readily accessible for all processing and cleaning operations.* (1) *Mechanical pickers.* When used in the plant, mechanical pickers shall be so installed as to be accessible for thorough cleaning and removal of the accumulation of feathers.

(j) Equipment and utensils used in the official plant shall not be used outside the official plant except under such conditions as may be prescribed or approved by the national supervisor, and equipment used in the preparation of any article (including, but not being limited to, animal food), from inedible material shall not be used outside of the inedible products department except under such conditions as may be prescribed or approved by the national supervisor.

MAINTENANCE OF SANITARY CONDITIONS AND PRECAUTIONS AGAINST CONTAMINATION OF PRODUCTS

(k) The premises shall be kept free from refuse, waste materials, and all other sources of objectionable odors and conditions.

(1) *Rooms, compartments, or other parts of the official plant in which products are handled and kept shall be kept clean and in sanitary condition.* (1) All feathers, blood, offal, birds or parts of birds too severely damaged to be salvaged, and all discarded containers and other materials shall be completely disposed of daily.

(2) All windows, doors, and light fixtures in the official plant shall be kept clean.

(3) All docks and rooms shall be kept clean and free from debris and unused equipment and utensils.

(4) Live poultry receiving docks and receiving rooms shall be of such construction as readily to permit their thorough cleaning.

(5) Floors in feeding rooms shall be cleaned with such regularity as may be necessary to maintain them in a sanitary condition.

(6) The killing, roughing, and pinning room shall be kept clean and free from offensive odors at all times.

(7) The walls, floors, and all equipment and utensils used in the killing, roughing and pinning room shall be thoroughly cleaned after each day's operation.

(8) The floors in the killing, roughing, and pinning room shall be cleaned frequently during roughing and finishing operations and be kept reasonably free from accumulated blood, feathers, manure, water, and dirt.

(9) All equipment in the toilet and locker room, as well as the room itself, shall be kept clean, sanitary, and in good repair.

(10) Cooler and freezer rooms shall be free from objectionable odors of any kind and shall be maintained in a sanitary condition (including, but not being limited to, the prevention of drippings from refrigerating coils onto products).

(m) *Equipment and utensils used for preparing or otherwise handling any product shall be kept clean and in a sanitary condition and in good repair.* (1) Batteries and dropping pans shall be cleaned regularly and the manure removed from the plant daily.

(2) The feed mixer shall be cleaned daily.

(3) Scalding tanks shall be completely emptied and thoroughly cleaned as often as may be necessary but not less frequently than once a day.

(4) Ice shovels shall be kept clean, free of corrosion, and shall be stored off the floor.

(5) All equipment and utensils used in the killing, roughing, and pinning rooms shall be thoroughly washed and cleaned after each day's operation. The chilling and packing room and equipment and utensils used therein shall be maintained in a clean and sanitary condition.

(6) Graders' and packers' gloves and grading bins shall be washed daily and used only for grading or packing, as the case may be.

(7) Chilling vats or tanks shall be emptied after each use. They shall be thoroughly cleaned once daily, and after each cleaning operation they shall be sanitized with such compounds or by such methods as may be approved or prescribed by the Administrator.

(8) *Thawing.* When frozen or chilled poultry is to be eviscerated, adequate tanks or vats shall be provided with running tap water or air-circulated water for thawing such poultry. Such poultry shall not be thawed in still water and the water used for thawing shall be changed after each lot of poultry is thawed. If water is heated it shall not be heated above 70° F. The tanks or vats shall be equipped with properly installed overflow pipes to discharge the water over floor drains or a valley drain. Where mechanical devices are not used for removing thawed carcasses, from the tanks or vats, the tanks or vats, as the case may be, shall be of such size as to enable employees to remove poultry without getting inside the tanks or vats.

(9) When synchronized overhead conveyors and tray conveyors are used, the trays shall be completely washed and sanitized after being automatically emptied of inedible viscera.

(10) When a conveyor tray operation is used, such trays shall be of metal of seamless construction and shall be completely washed and sanitized after each use.

(11) Tables, shelves, bins, trays, pans, knives, and all other tools and equipment used in the preparation of ready-to-cook poultry shall be kept clean and sanitary at all times. Cleaned equipment and utensils shall be drained on racks and shall not be nested.

(12) Drums, cans, tanks, vats, and other receptacles used to hold or transport dressed poultry, or eviscerated poultry, shall be kept in a clean and sanitary condition.

(n) *Operations and procedures involving the preparation, storing, or handling of any product shall be strictly in accord with clean and sanitary methods.*

(1) There shall be no handling or storing of materials which create an objectionable condition in rooms, compartments, or other places in the plant where any product is prepared, stored, or otherwise handled.

(2) The pinning and finishing operations shall be performed in a part of the room that is away from the killing and roughing operations.

(3) Blood from the killing operation shall be confined to a relatively small area and kept from being splashed about the room.

(4) In finishing and cleaning dressed poultry, fecal shall be removed from the crop and the fecal material in the cloaca shall be removed by venting and such operations shall be completed prior to or during the final washing, and prior to chilling, and packagings of dressed poultry.

(5) The head of each dressed poultry carcass shall be washed thoroughly to remove feed from the mouth and blood from the head and mouth.

(6) In the final washing, the carcass shall be passed through a system of sprays providing an abundant supply of fresh clean water either under pressure or scrubbing action.

(7) *Grading and packaging.* Dressed poultry may be graded and packaged in the killing, roughing, pinning, chilling, and packing room; however, such poultry shall be graded and packed in an area of the room which is well isolated from the killing and roughing operation.

(8) The floors in the eviscerating room shall be kept clean and reasonably dry during eviscerating operations and free of all refuse.

(9) Conveyors shall be operated at such speeds as will permit a sanitary eviscerating operation and will permit adequate inspection for condition and wholesomeness.

(10) Mechanized packaging equipment shall be maintained in good sanitary condition.

(11) All offal resulting from the eviscerating operation shall be removed as often as necessary to prevent the development of a nuisance.

(12) Paper and other material used for lining barrels or other containers in which products are packaged shall be of such kinds as do not tear readily during use, but remain intact when moistened by the product.

(13) Protective coverings shall be used for the product in the plant and as it is distributed from the plant, as will afford adequate protection for the product against contamination by any foreign substance (including, but not being limited to, dust, dirt, and insects), considering the means intended to be employed in transporting the product from the plant.

(14) Refuse may be moved directly to loading docks only for prompt removal.

(15) *Cleanliness and hygiene of personnel.*

(i) All employees coming in contact with exposed edible products or edible products handling equipment shall wear clean garments and shall keep their hands clean at all times while thus engaged.

(ii) Hands of employees handling dressed poultry or edible products or edible products handling equipment shall be free of infected cuts, boils, and open sores at all times while thus engaged.

(iii) Every person after each use of toilet or change of garments shall wash his hands thoroughly before returning to duties that require the handling of dressed poultry or edible products, or containers therefor, or edible products handling equipment.

(iv) Neither smoking nor chewing of tobacco shall be permitted in any room where exposed edible products are prepared, processed, or otherwise handled.

(o) *Temperatures and procedures which are necessary for cooling and freezing of poultry in accordance with sound commercial practice shall be maintained in the coolers and freezers, and ice chilling temperatures and procedures shall also be in accordance with sound commercial practice—*(1) *Ice chilling.* (i) Only ice manufactured or produced from potable water may be used for ice chilling. The ice shall be handled and stored in a sanitary manner. If of block-type, the ice shall be washed by spraying with clean water before crushing. Metal ice crushers shall be washed at least once daily.

(ii) Enough clean crushed ice shall be used to maintain a temperature in vats or tanks under 40° F. at all times during chilling. Any dressed poultry carcass weighing less than 8 pounds shall not be permitted to remain in a chilling vat or tank for longer than six hours unless the water is drained. Any dressed poultry carcass weighing 8 pounds or more shall not be permitted to remain in a chilling vat or tank for longer than eight hours unless the water is drained. Any such poultry carcass, however, shall not be allowed to remain in a chilling vat or tank after the internal temperature of the carcass has been lowered to 36° F. unless the water is drained.

(2) *Air chilling.* In air chilling, dressed poultry shall be passed through a spray of clean water immediately following the removal of the feathers, and then hung on racks. Thereupon the racks of dressed poultry shall be placed in a refrigerated room with moderate air movements and a temperature which will reduce the internal temperature of the carcass to from 36° F. to 40° F., both inclusive, within 24 hours.

(3) *Freezing.* (i) When dressed poultry is packaged in bulk or shipping containers, the carcasses should be individually wrapped or packaged in water-vapor resistant cartons or the containers should be lined with heavy water-vapor resistant paper so as to assure adequate overlapping of the lining to completely surround the carcasses and to permit unsealed closure or sealing in such a manner that water-vapor loss from the product is considerably retarded or prevented. The dressed poultry should receive an initial rapid freezing under such packaging, temperature, air circulation, and stacking conditions which will result in freezing the carcasses solid in less than 60 hours. Any carcass weighing less than 8 pounds should freeze solid in from 30 to 40 hours, whereas a carcass weighing more than 8 pounds should freeze solid in from 48 to 60 hours. (The approximate highest temperatures which will attain this result under average to most favorable conditions, are -10° F. with circulated air and -20° F. with still air; however, freezing temperatures of -20° F. to -40° F. are desirable).

(ii) Frozen dressed poultry should be stored at 0° F. or below, with temperature maintained as constant as possible.

(4) Immediately after packaging, all dressed poultry and ready-to-cook poultry, other than that which is ice-packed or shipped from the plant in a refrigerated carrier, should be moved into the freezer; except, that a period not exceeding 72 hours shall be permitted for transportation and temporary holding before placing in the freezer provided such poultry is held at not above 36° F. The provisions in subparagraphs 1 and 3 of this paragraph, shall be applicable to ready-to-cook poultry.

(5) When poultry is packed in ice in barrels or other containers the barrels and containers shall be covered and shall have an adequate number of drain holes to permit water to drain out.

(p) *Every practicable precaution shall be taken to exclude flies, rats, mice, and other vermin from the official plant.* (1) Dogs, cats, and other pets shall be excluded from rooms where edible products and dressed poultry are processed, handled and stored.

(q) *No person affected with any communicable disease (including, but not being limited to, tuberculosis) in a transmissible stage shall be permitted in any room or compartment where exposed or unpacked dressed poultry or edible products are prepared, processed, or otherwise handled.*

(r) Table showing types of materials.

Equipment, utensils, and facilities	Iron	Rubber	Concrete	Stainless steel and monel metal	Aluminum	Galvanized iron	Copper (tin plated)	Porcelain or glazed tile
Batteries				A	A	A		
Overhead conveyors	A			A	A	A		
Conveyor track	A			A	A	A		
Shackle chain				A	A	A		
Shackles				A	A	A		
Blood trough	A	A		A	A	A		
Scalding vat	A			A	A	A		
Mechanical pickers	A	A		A	A	A		
Mechanical scrubber	A	A		A	A	A		
Wax dipping tank	A			A	A	A		
Trough for catching wax	A			A	A	A		
Water-spray cooling chamber				A	A	A		
Opening trough				A	A	A		
Eviscerating pans				A	A	A		
Inspection table (those parts which come in contact with product)				A	A	A		
Eviscerating trough				A	A	A		
Framework (of equipment)	A			A	A	A		
Inside and outside washer		A		A	A	A		A
Gizzard, heart, and liver trimming tables				A	A	A		
Defrosting trucks				A	A	A		
Defrosting tanks				A	A	A		A
Cooling racks				A	A	A		
Tanks or vats and other equipment used for cooling products			A	A	A	A		
Above-the-floor grease traps				A	A	A		
Utensils for handling edible products				A	A	A		
Boning and cooling tables, cutting surfaces				A	A	A		
Cooking kettles	A			A	A	A	A	

§ 70.40 *Authority of Administrator to amend minimum standards for sanitation, facilities, and operating procedures in official plants.* The Administrator is authorized to amend the provisions in § 70.39; and such amended provisions shall be applicable to official plants.

SUBPART B—UNITED STATES SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES OF POULTRY AND EDIBLE PRODUCTS THEREOF

§ 70.101 *United States specifications for kinds and classes of live poultry, dressed poultry, and ready-to-cook poultry.* The specifications contained in this section apply to live poultry, dressed poultry, and individual carcasses of ready-to-cook poultry, in determining the kind of poultry and its class. The kinds of poultry are as follows: Chickens, turkeys, ducks, geese, guineas, and pigeons.

(a) *Chickens.* For the purpose of this section, the following classes of chickens are specified:

(1) *Broiler or fryer.* A broiler or fryer is a young chicken (usually under 16 weeks of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin and flexible breastbone cartilage.

(2) *Roaster.* A roaster is a young chicken (usually under 8 months of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin and breastbone cartilage that is somewhat less flexible than that of a broiler or fryer.

(3) *Capon*. A capon is an unsexed male chicken (usually under 10 months of age) that is tender-meated with soft, pliable, smooth-textured skin.

(4) *Stag*. A stag is a male chicken (usually under 10 months of age) with coarse skin, somewhat toughened and darkened flesh, and considerable hardening of the breastbone cartilage. Stags show a condition of fleshing and a degree of maturity intermediate between that of a roaster and a cock or old rooster.

(5) *Hen or stewing chicken or fowl*. A hen or stewing chicken or fowl is a mature female chicken (usually more than 10 months old) with meat less tender than that of a roaster, and non-flexible breastbone.

(6) *Cock or old rooster*. A cock or old rooster is a mature male chicken with coarse skin, toughened and darkened meat, and hardened breastbone.

(b) *Turkeys*. For the purpose of this section, the following classes of turkeys are specified:

(1) *Fryer*. A fryer is a young turkey (usually under 16 weeks of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin, and flexible breastbone cartilage.

(2) *Young hen turkey*. A young hen turkey is a young female turkey (usually under 8 months of age) that is tender-meated with soft, pliable, smooth-textured skin, and breastbone cartilage that is somewhat less flexible than in a turkey fryer.

(3) *Young tom turkey*. A young tom turkey is a young male turkey (usually under 8 months of age) that is tender-meated with soft, pliable, smooth-textured skin and breastbone cartilage that is somewhat less flexible than in a turkey fryer.

(4) *Mature hen turkey or old hen turkey*. A mature hen turkey or old hen turkey is a mature female turkey (usually over 10 months of age) with toughened flesh and hardened breastbone that may have coarse or dry skin and patchy areas of surface fat.

(5) *Mature tom turkey or old tom turkey*. A mature tom turkey or old tom turkey is a mature male turkey (usually over 10 months of age) with coarse skin, toughened flesh, and hardened breastbone.

(c) *Ducks*. For the purpose of this section the following classes of ducks are specified:

(1) *Broiler duckling or fryer duckling*. A broiler duckling or fryer duckling is a young duck (usually under 8 weeks of age) of either sex, that is tender-meated and has a soft bill and soft windpipe.

(2) *Roasting duckling*. A young roasting duckling is a young duck (usually under 16 weeks of age), of either sex, that is tender-meated and has a bill that is not completely hardened and a windpipe that is easily dented.

(3) *Mature duck or old duck*. A mature duck or an old duck is a duck (usually over 6 months of age), of either sex, with toughened flesh, hardened bill, and hardened windpipe.

(d) *Geese*. For the purpose of this section, the following classes of geese are specified:

(1) *Young goose*. A young goose may be of either sex, is tender-meated, and has a windpipe that is easily dented.

(2) *Mature goose or old goose*. A mature goose or old goose may be of either sex and has toughened flesh and hardened windpipe.

(e) *Guineas*. For the purpose of this section, the following classes of guineas are specified:

(1) *Young guinea*. A young guinea may be of either sex and is tender-meated.

(2) *Mature guinea or old guinea*. A mature guinea or an old guinea may be of either sex and has toughened flesh.

(f) *Pigeons*. For the purpose of this section, the following classes of pigeons are specified:

(1) *Squab*. A squab is a young, immature pigeon of either sex, and is extra tender-meated.

(2) *Pigeon*. A pigeon is a mature pigeon of either sex, with coarse skin and toughened flesh.

§ 70.102 *United States specifications for standards of quality for live poultry on an individual bird basis—(a) General.*

(1) The United States specifications for standards of quality for individual live birds contained in this section are applicable only to poultry of the kinds and classes set forth in § 70.101.

(2) Birds showing evidence of any disease or other condition which may render them unwholesome or unfit for human food shall not be included in any of the quality designations specified in this section.

(3) The following factors are considered in ascertaining the quality of an individual bird: (i) Health and vigor; (ii) feathering; (iii) conformation; (iv) fleshing; (v) fat covering; and (vi) the degree of freedom from defects.

(b) *Standards of quality—(1) A Quality or No. 1 Quality*. To be of A Quality or No. 1 Quality the live bird:

(i) Is alert, has bright eyes, and is of good health and vigor.

(ii) Is well feathered, with feathers showing luster or sheen and quite thoroughly covering all parts of the body; however, there may be a slight scattering of pinfeathers.

(iii) Is of normal physical conformation except that it may have a slightly curved breastbone or other slight abnormality in the shape of the breastbone which does not interfere with the normal distribution of the flesh. The bird may also have a slightly curved back. There may be a dent in the breastbone which does not exceed $\frac{1}{8}$ inch in depth except that for turkeys the depth does not exceed $\frac{1}{4}$ inch.

(iv) Has a well developed, moderately broad and long breast that is well-fleshed throughout its entire length; and the thighs and back are well covered with flesh according to the age and sex of the bird.

(v) Has the breast, back, hips, and pin bones well covered with fat, except that a fryer (whether chicken or turkey) and a young tom turkey may have only a moderate amount of fat covering these parts, and a hen, stewing chicken, or fowl does not have excessive abdominal fat.

(vi) Is free from tears and broken bones; however, it may have slight scratches, slight skin bruises, and slight callouses (i. e., slightly thickened, hardened, and darkened areas of skin over the breastbone), if these conditions do not materially affect the appearance of the bird, especially the breast. It may also have slightly scaly shanks.

(2) *B Quality or No. 2 Quality*. To be of B Quality or No. 2 Quality the live bird:

(i) Is of good health and vigor.

(ii) Is fairly well feathered (i. e., some feathers may be lacking on some parts of the body); however, there may be a moderate number of pinfeathers.

(iii) Is of normal physical conformation except that it may have a slightly crooked breastbone which does not seriously interfere with the normal distribution of the flesh. It may also have a moderately crooked back and slightly misshapen legs and wings.

(iv) Is fairly well fleshed in relation to length and depth of body, with all parts fairly well covered with flesh according to the age and sex of the bird.

(v) Has sufficient coverage of fat on breast and legs to prevent a distinct appearance of the flesh through the skin; however, a hen, stewing chicken, or fowl may have excessive abdominal fat.

(vi) Is free from tears, broken bones, severe breast blisters, heavy callouses (i. e., thickened, hardened, and darkened areas of skin over the breastbone) and seriously scaly shanks; however, it may have moderate skin bruises and slight flesh bruises.

(3) *C Quality or No. 3 Quality*. A live bird that does not meet the requirements of B Quality or No. 2 Quality may be of C Quality or No. 3 Quality and such bird may:

(i) Be lacking in vigor.

(ii) Have a large number of pinfeathers over all parts of its body and complete lack of plumage feathers on the back.

(iii) Have definite deformities (including, but not being limited to, a crooked breastbone, hunchback, and slight crippling).

(iv) Have a poorly developed, narrow breast and thin covering of flesh over all parts of its body.

(v) Have only a small amount of fat in the feather tracts and is completely lacking in fat on back and thighs; and

(vi) Have skin bruises, small or moderate flesh bruises, and severe breast blisters; however, it has no broken bones.

The term "Reject" is not a standard of quality within the purview of this section; however, such term may be used with respect to an individual live bird to indicate that it is affected by, or shows evidence of, any disease or condition (including, but not being limited to, large flesh bruises, severe discolorations, severe injury, and emaciation) which may render the bird unfit for human food.

§ 70.103 *United States specifications for standards of grades for live poultry—*

(a) *General*. (1) The United States specifications for standards of grades for live poultry contained in this section are applicable to live poultry of the kinds and classes set forth in § 70.101 and are based upon United States specifications

for standards of quality as set forth in § 70.102.

(2) Birds showing evidence of any disease or other condition which may render them unwholesome or unfit for human food shall not be included in any of the grade designations specified in this section.

(3) All terms in the United States specifications for standards of quality, as set forth in § 70.102, shall, when used in this section, have the same meaning as when used in the specifications.

(b) *Specifications for grades*—(1) *U. S. Grade A or U. S. No. 1.* Any lot of live poultry may be designated as U. S. Grade A or U. S. No. 1 if at least 90 percent, by count, of the birds are of A Quality or No. 1 Quality and the remainder are of B Quality or No. 2 Quality. When more than one container comprises the lot, no container shall have more birds of B Quality or No. 2 Quality than that specified in the following table:

[When lot consists of more than 1 container]

Grade	Number of birds in container	Maximum number of B quality or No. 2 quality birds
U. S. Grade A or U. S. No. 1	Less than 10.....	1 bird
	10 to 15, inclusive..	2 birds.
	16 to 20, inclusive..	3 birds.
	21 to 25, inclusive..	4 birds
	26 or more.....	5 birds.

(2) *U. S. Grade B or U. S. No. 2.* Any lot of live poultry may be designated as U. S. Grade B or U. S. No. 2 if at least 90 percent, by count, of the birds are of B Quality or No. 2 Quality, or better, and the remainder are of C Quality, or No. 3 Quality. When more than one container comprises the lot, no container shall have more birds of C Quality or No. 3 Quality than that specified in the following table:

[When lot consists of more than 1 container]

Grade	Number of birds in container	Maximum number of C quality or No. 3 quality birds
U. S. Grade B or U. S. No. 2	Less than 10.....	1 bird.
	10 to 15, inclusive..	2 birds.
	16 to 20, inclusive..	3 birds
	21 to 25, inclusive..	4 birds.
	26 or more.....	5 birds.

(3) *U. S. Grade C or U. S. No. 3.* Any lot of live poultry may be designated as U. S. Grade C or U. S. No. 3 if it consists of birds of not less than C Quality or No. 3 Quality.

The term "No Grade" is not a grade within the meaning of this section. Such term may be applied to any lot of live poultry if such lot contains any birds of less than C Quality or No. 3 Quality or has not been graded in accordance with this section.

§ 70.104 *United States specifications for standards of quality for individual carcasses of dressed poultry and ready-to-cook poultry*—(a) *General.* (1) The United States specifications for standards of quality contained in this section

are applicable to individual carcasses of dressed poultry and ready-to-cook poultry of the kinds and classes set forth in § 70.101.

(2) Carcasses found to be unsound, unwholesome, or unfit for food shall not be included in any of the quality designations specified in this section. If the carcass is dressed poultry, determination of unsoundness or unwholesomeness will be based on external characteristics only.

(3) The quality designations specified in this section may not be made applicable to dressed poultry that is not free from the following conditions: Dirty head; bloody head; dirty carcass; bloody carcass; dirty vent; dirty feet; fan feathers on the wing tips; garter feathers around the hock joints; neck feathers; and, if the crop is not removed, feed in the crop.

(4) The A Quality designation may not be made applicable to any poultry carcass if the poultry was wet picked in such a manner that the skin has been damaged by extended immersion in, or high temperature of, the water which resulted in immediate discoloration or may result in later objectionable discoloration.

(5) The following factors are considered in ascertaining, pursuant to this section, the quality of an individual carcass: (i) Conformation; (ii) fleshing; (iii) fat covering; (iv) the degree of freedom from pinfeathers and vestigial feathers (i. e., hair or down, as the case may be); (v) the degree of freedom from tears, cuts (including, but not being limited to, any cut for the removal of the crop), disjunct bones, and broken bones; (vi) the degree of freedom from discolorations of the skin and of the flesh and of blemishes and bruises of the skin and flesh; and (vii) the degree of freedom from freezer burn.

(6) In addition to the respective requirements specified in this section for A Quality, B Quality, and C Quality, the intensity, aggregate area involved, and locations of all (i) discolorations (whether or not caused by dressing operations), (ii) bruises, (iii) pinfeathers, and (iv) freezer burn, as such combination of defects detracts from the general appearance of the carcass, will also be considered in determining the particular quality of an individual carcass.

(b) *Standards of quality*—(1) *A Quality.* To be of A Quality the carcass:

(i) Is of normal physical conformation except that it may have a slightly curved breastbone or other slight abnormality in the shape of the breastbone which does not interfere with the normal distribution of the flesh. The carcass may also have a very slightly curved back. There may be a dent in the breastbone which does not exceed 1/8 inch in depth except that for turkeys the depth does not exceed 1/4 inch.

(ii) Has a well-developed, moderately broad and long breast, well-fleshed throughout its entire length, with the flesh carrying sufficiently well up to the crest of the breastbone so that the

breastbone is not prominent; and, with respect to young tom turkeys, there may be a slight thickening and slight pouchiness of the skin on the forepart of the breast. The legs are well covered with flesh.

(iii) Has the breast, back, hips, and pin bones well covered with fat except that chicken broilers or fryers, turkey fryers, and young tom turkeys may have only a moderate amount of fat covering these parts, but a hen, stewing chicken, or fowl does not have excessive abdominal fat.

(iv) Is practically free from pinfeathers, especially on the breast, and is free from vestigial feathers (i. e., hair or down, as the case may be) if the carcass is dressed poultry. If the carcass is ready-to-cook poultry, it is free from protruding pinfeathers, practically free from nonprotruding pinfeathers, especially on the breast, and free from vestigial feathers.

(v) Is free from skin tears and cuts on the breast and legs; however, elsewhere on the carcass there may be tears and cuts (exclusive of the cuts usually made to remove the neck and viscera in the production of eviscerated poultry) the aggregate length of which does not exceed 1 1/2 inches except that, with respect to any turkey carcass or goose carcass, such aggregate length does not exceed 3 inches. There are no sewn tears or cuts. The carcass has no disjunct bones or broken bones except that it may have one disjunct bone in either a leg or wing but only if there is no evidence of a related bruise or blood clot; and, if the carcass is of a chicken broiler or fryer, it may have one nonprotruding broken bone in a wing in addition to such disjunct bone but only if there is no evidence of a related bruise or blood clot. The wing tips may have been removed.

(vi) Is free from bruises and discolorations of the flesh on the breast and legs; however, elsewhere on the carcass there may be bruises and discolorations of the flesh showing not more than a slightly reddened color the aggregate area of which does not exceed the area of a circle 1/2 inch in diameter, except that, with respect to any turkey or goose carcass, such aggregate area does not exceed the area of a circle 1 inch in diameter. The carcass is free from skin bruises, on the breast and legs, the aggregate area of which exceeds the area of a circle 1/2 inch in diameter, and from skin bruises, elsewhere on the carcass, the aggregate area of which exceeds the area of a circle 3/4 inch in diameter. With respect to any turkey or goose carcass, such aggregate area on the breast and legs does not exceed the area of a circle 3/4 inch in diameter; and elsewhere on the carcass such aggregate area does not exceed the area of a circle 1 1/2 inches in diameter. Notwithstanding the foregoing, the total aggregate area, on the breast and legs, of all such flesh bruises, skin bruises, and all other discolorations and blemishes of the skin, is not in excess of the area of a circle 1 inch in diameter; and elsewhere on the

carcass such total aggregate area is not in excess of the area of a circle 1½ inches in diameter. Furthermore, with respect to any turkey or goose carcass, such total aggregate area on the breast and legs is not in excess of the area of a circle 2 inches in diameter; and elsewhere on the carcass such total aggregate area is not in excess of the area of a circle 3 inches in diameter. The skin may show only slight reddening in the feather follicles on the neck, near the head, and on the wings because of improper bleeding.

(vii) Shows only slight freezer burn, or evidence thereof (i. e., a few pockmarks, or evidence thereof, none of which exceeds the area of a circle ⅓ inch in diameter).

(2) *B Quality.* To be of B Quality the carcass:

(i) Is of at least practically normal physical conformation except that it may have a dented, curved, and slightly crooked breastbone which does not seriously interfere with the normal distribution of flesh. The carcass may also have a moderately crooked back or misshapen legs or misshapen wings.

(ii) Is sufficiently well-fleshed on the breast and legs so as to prevent a thin appearance and a prominent breastbone; however, a young tom turkey may have a pouchy, thick, and somewhat flabby skin on the forepart of the breast.

(iii) Has a sufficient coverage of fat on the breast and legs to prevent a distinct appearance of the flesh through the skin.

(iv) Has not more than a slight scattering of pinfeathers over the entire carcass with only relatively few on the breast and is free from vestigial feathers (i. e., hair or down, as the case may be) if the carcass is dressed poultry. If the carcass is ready-to-cook poultry, it is free from protruding pinfeathers and vestigial feathers but may have not more than a few scattered, nonprotruding pinfeathers.

(v) Is free from tears and cuts, on the breast and legs, the aggregate length of which exceeds 1½ inches; however, elsewhere on the carcass there may be tears and cuts (exclusive of the cuts usually made to remove the neck and viscera in the production of eviscerated poultry), the aggregate length of which does not exceed 3 inches except that, with respect to any turkey or goose carcass, such aggregate lengths do not exceed 3 inches on the breast and legs and 6 inches elsewhere on the carcass. There are no sewn tears or cuts. The carcass may have not more than a total of 2 disjointed bones in either the legs or wings, or both, but only if there is no evidence of a related bruise or blood clot, and, in addition, 1 broken bone in a leg or wing, but only if it is nonprotruding and does not show an excessive related bruise or blood clot. The wing tips may have been removed.

(vi) Is free from bruises and discolorations, of the flesh on the breast and legs, showing not more than a slightly darkened color and which in the aggregate is in excess of the area of a circle ½ inch in diameter; however, elsewhere

on the carcass there may be bruises and discolorations of the flesh the aggregate area of which does not exceed the area of a circle 1½ inches in diameter, except that, with respect to any turkey or goose carcass, such aggregate area on the breast and legs does not exceed the area of a circle 1 inch in diameter, and, elsewhere on the carcass, it does not exceed the area of a circle 3 inches in diameter. The carcass is free from skin bruises, on the breast and legs, the aggregate area of which exceeds the area of a circle ¼ inch in diameter, and from skin bruises, elsewhere on the carcass, the aggregate area of which exceeds the area of a circle 1½ inches in diameter. With respect to any turkey or goose carcass, such aggregate area on the breast and legs does not exceed the area of a circle 1½ inches in diameter, and, elsewhere on the carcass, such aggregate area does not exceed the area of a circle 3 inches in diameter. Notwithstanding the foregoing, the total aggregate area on the breast and legs of all such flesh bruises, skin bruises, and all other discolorations and blemishes of the skin is not in excess of the area of a circle 1½ inches in diameter; and elsewhere on the carcass such total aggregate area is not in excess of the area of a circle 3 inches in diameter. Furthermore, with respect to any turkey or goose carcass, such total aggregate area on the breast and legs is not in excess of the area of a circle 3 inches in diameter; and elsewhere on the carcass such total aggregate area is not in excess of the area of a circle 6 inches in diameter. The skin may show not more than moderate reddening in the feather follicles on the neck, near the head, and on the wings and thighs because of improper bleeding.

(vii) Shows no more than moderate freezer burn, or evidence thereof, on any part of the carcass and no dried area in excess of the area of a circle ½ inch in diameter.

(3) *C Quality.* A carcass that does not meet the requirements of B Quality may be of C Quality and such carcass may:

(i) Be of abnormal physical conformation (i. e., possess serious abnormal physical conditions, including, but not being limited to, a crooked breastbone) if it is fairly well fleshed.

(ii) Be poorly fleshed and a young tom turkey may have a thick, coarse skin and extended breast that is pouchy or flabby.

(iii) Be lacking in fat covering, over all parts of the carcass.

(iv) Have numerous pinfeathers and vestigial feathers (i. e., hair or down, as the case may be) scattered over the entire carcass if the carcass is dressed poultry; if ready-to-cook poultry, the carcass is free from protruding pinfeathers and vestigial feathers, but may have nonprotruding pinfeathers that do not seriously detract from the appearance of the carcass.

(v) Have torn skin, disjointed bones, and broken bones but only if there is no evidence of a related severe bruise or blood clot. There are no sewn tears or cuts. Wing tips may have been removed.

(vi) Have numerous and large discolored areas or blemishes of the skin which may be accompanied by some reddening and darkening of the flesh beneath, if such discolored areas and blemishes do not render any part of the carcass unfit for food.

(vii) Show more than moderate freezer burn or evidence thereof (including, but not being limited to, numerous pockmarks or large dried areas) on any part of the carcass.

§ 70.105 *United States specifications for standards of grades for dressed poultry and ready-to-cook poultry—(a) General.* (1) The United States specifications for standards of grades for dressed poultry and ready-to-cook poultry are applicable to dressed poultry and ready-to-cook poultry of the kinds and classes as set forth in § 70.101 when individual carcasses are not separately identified and are based upon the United States specifications for standards of quality set forth in § 70.104 except the provisions in paragraph (a) (3) thereof.

(2) When any lot of dressed poultry is graded on the basis of an examination of each carcass in a representative sample thereof, any carcass that would be of A Quality if it did not possess any of the following conditions shall, for the purpose of this section, be considered as being of B Quality; dirty or bloody head of carcass, dirty feet or vent, fan feathers or neck feathers or garter feathers, or feed in the crop. Any carcass that would be of B Quality or C Quality if it did not possess any of the foregoing conditions shall, for the purpose of this section, be considered as being of C Quality.

(3) All terms in the United States specifications for standards for quality set forth in § 70.104 shall, when used in this section, have the same meaning as when used in the specifications.

(4) The suggested weight specifications for dressed poultry and ready-to-cook poultry contained in paragraph (c) of this section are not incorporated in the standards of grades for dressed poultry and ready-to-cook poultry since weight, as such, is not a factor of grade for the purpose of the standards in this section. It is recommended, however, that each container of dressed poultry and ready-to-cook poultry contain carcasses of the weights specified in paragraph (c) of this section.

(b) *Specifications for grades—(1) U. S. Grade A.* Any lot of dressed poultry or ready-to-cook poultry composed of one or more containers of carcasses of the same kind and class may be designated as U. S. Grade A if not less than 90 percent, by count, of the carcasses in such lot are of A Quality, the remainder is of B Quality, and no individual container in such lot contains more carcasses of B Quality than in the proportion of 2 to each 12 carcasses in the container.

(2) *U. S. Grade B.* Any lot of dressed poultry or ready-to-cook poultry composed of one or more containers of carcasses of the same kind and class may be designated as U. S. Grade B if not less than 90 percent, by count, of the car-

cases in such lot are of at least B Quality, the remainder is of C Quality, and no individual carcass in such lot contains more carcasses of C Quality than in the proportion of 2 to each 12 carcasses in the container.

(3) U. S. Grade C. Any lot of dressed poultry or ready-to-cook poultry may be designated as U. S. Grade C if it consists of carcasses of not less than C Quality.

(c) *Suggested weight specifications for dressed poultry and ready-to-cook poultry.* The suggested weight specifications for dressed poultry and ready-to-cook poultry are contained in Tables I, II, III, and IV in this paragraph.

DRESSED POULTRY
TABLE I—CHICKENS

Class of chickens	Weight range per carcass		Weight range per dozen carcasses	
	Minimum	Maximum	Minimum	Maximum
Broilers or fryers	None	1 pound 8 ounces	None	18 pounds
	Over 1 pound 8 ounces	2 pounds	Over 18 pounds	24 pounds
	Over 2 pounds 8 ounces	3 pounds	Over 24 pounds	30 pounds
	Over 3 pounds 8 ounces	3 pounds 8 ounces	Over 30 pounds	36 pounds
	Over 4 pounds 8 ounces	4 pounds	Over 36 pounds	42 pounds
	Over 5 pounds 8 ounces	4 pounds 8 ounces	Over 42 pounds	48 pounds
Roasters	None	3 pounds 8 ounces	None	36 pounds
	Over 3 pounds 8 ounces	4 pounds	Over 36 pounds	42 pounds
	Over 4 pounds 8 ounces	4 pounds 8 ounces	Over 42 pounds	48 pounds
	Over 5 pounds 8 ounces	5 pounds	Over 48 pounds	54 pounds
	Over 6 pounds 8 ounces	5 pounds 8 ounces	Over 54 pounds	60 pounds
	Over 7 pounds 8 ounces	6 pounds	Over 60 pounds	66 pounds
Chapons	None	6 pounds	None	72 pounds
	Over 6 pounds 8 ounces	7 pounds	Over 72 pounds	84 pounds
	Over 7 pounds 8 ounces	8 pounds	Over 84 pounds	96 pounds
	Over 8 pounds 8 ounces	9 pounds	Over 96 pounds	108 pounds
	Over 9 pounds 8 ounces	10 pounds	Over 108 pounds	120 pounds
	Over 10 pounds 8 ounces	None	Over 120 pounds	None
Stags	None	3 pounds	None	36 pounds
	Over 3 pounds 8 ounces	4 pounds	Over 36 pounds	48 pounds
	Over 4 pounds 8 ounces	5 pounds	Over 48 pounds	60 pounds
	Over 5 pounds 8 ounces	6 pounds	Over 60 pounds	72 pounds
	Over 6 pounds 8 ounces	None	Over 72 pounds	None
	Over 7 pounds 8 ounces	4 pounds	Over 48 pounds	60 pounds
Cocks	None	4 pounds	None	48 pounds
	Over 4 pounds 8 ounces	5 pounds	Over 48 pounds	60 pounds
	Over 5 pounds 8 ounces	6 pounds	Over 60 pounds	72 pounds
	Over 6 pounds 8 ounces	None	Over 72 pounds	None
	Over 7 pounds 8 ounces	3 pounds	Over 36 pounds	42 pounds
	Over 8 pounds 8 ounces	4 pounds	Over 48 pounds	54 pounds
Hens or stewing chickens or fowl	None	3 pounds 8 ounces	None	36 pounds
	Over 3 pounds 8 ounces	4 pounds	Over 36 pounds	42 pounds
	Over 4 pounds 8 ounces	4 pounds 8 ounces	Over 42 pounds	48 pounds
	Over 5 pounds 8 ounces	5 pounds	Over 48 pounds	54 pounds
	Over 6 pounds 8 ounces	5 pounds 8 ounces	Over 54 pounds	60 pounds
	Over 7 pounds 8 ounces	None	Over 60 pounds	None

TABLE II—TURKEYS

Class	Weight range per carcass		Weight range per dozen carcasses	
	Minimum	Maximum	Minimum	Maximum
Turkey fryers	None	5 pounds	None	60 pounds
	Over 5 pounds 8 ounces	6 pounds	Over 60 pounds	72 pounds
	Over 6 pounds 8 ounces	None	Over 72 pounds	None
	Over 7 pounds 8 ounces	8 pounds	Over 96 pounds	108 pounds
	Over 8 pounds 8 ounces	10 pounds	Over 120 pounds	144 pounds
	Over 9 pounds 8 ounces	None	Over 144 pounds	None
Young hen turkeys or young tom turkeys	None	12 pounds	None	144 pounds
	Over 12 pounds 8 ounces	14 pounds	Over 144 pounds	168 pounds
	Over 14 pounds 8 ounces	16 pounds	Over 168 pounds	200 pounds
	Over 16 pounds 8 ounces	18 pounds	Over 200 pounds	240 pounds
	Over 18 pounds 8 ounces	20 pounds	Over 240 pounds	288 pounds
	Over 20 pounds 8 ounces	22 pounds	Over 288 pounds	348 pounds
Mature or old hen turkeys and mature or old tom turkeys	None	10 pounds	None	120 pounds
	Over 10 pounds 8 ounces	15 pounds	Over 120 pounds	180 pounds
	Over 15 pounds 8 ounces	20 pounds	Over 180 pounds	240 pounds
	Over 20 pounds 8 ounces	None	Over 240 pounds	None
	Over 25 pounds 8 ounces	None	Over 300 pounds	None
	Over 30 pounds 8 ounces	None	Over 360 pounds	None

DRESSED POULTRY—Continued

TABLE III—DUCKS, GEESE, GUINEAS, SQUABS, AND PIGEONS

Kind and class	Weight range per carcass		Weight range per dozen carcasses	
	Minimum	Maximum	Minimum	Maximum
Ducks (all classes)	None	4 pounds	None	48 pounds
	Over 4 pounds 8 ounces	5 pounds	Over 48 pounds	60 pounds
	Over 5 pounds 8 ounces	None	Over 60 pounds	None
Geese (all classes)	None	8 pounds	None	96 pounds
	Over 8 pounds 8 ounces	10 pounds	Over 96 pounds	120 pounds
	Over 10 pounds 8 ounces	None	Over 120 pounds	None
Guineas (all classes)	None	1 pound 8 ounces	None	18 pounds
	Over 1 pound 8 ounces	2 pounds 8 ounces	Over 18 pounds	27 pounds
	Over 2 pounds 8 ounces	None	Over 27 pounds	None
Squabs and pigeons	None	8 ounces	None	6 pounds
	Over 8 ounces	11 ounces	Over 6 pounds	8 pounds 8 ounces
	Over 11 ounces	None	Over 8 pounds 8 ounces	None

TABLE IV—READY-TO-COOK POULTRY

Kinds and classes	Weight range per carcass		Weight range per dozen carcasses	
	Minimum	Maximum	Minimum	Maximum
Broilers or fryers	None	1 pound 8 ounces	None	24 pounds
	Over 1 pound 8 ounces	2 pounds	Over 24 pounds	30 pounds
	Over 2 pounds 8 ounces	3 pounds 8 ounces	Over 30 pounds	36 pounds
	Over 3 pounds 8 ounces	4 pounds	Over 36 pounds	42 pounds
	Over 4 pounds 8 ounces	5 pounds	Over 42 pounds	48 pounds
	Over 5 pounds 8 ounces	6 pounds	Over 48 pounds	54 pounds
Roasters	None	3 pounds 8 ounces	None	36 pounds
	Over 3 pounds 8 ounces	4 pounds	Over 36 pounds	42 pounds
	Over 4 pounds 8 ounces	5 pounds	Over 42 pounds	48 pounds
	Over 5 pounds 8 ounces	6 pounds	Over 48 pounds	54 pounds
	Over 6 pounds 8 ounces	7 pounds	Over 54 pounds	60 pounds
	Over 7 pounds 8 ounces	8 pounds	Over 60 pounds	66 pounds
Hens or stewing chickens or fowl	None	3 pounds 8 ounces	None	36 pounds
	Over 3 pounds 8 ounces	4 pounds	Over 36 pounds	42 pounds
	Over 4 pounds 8 ounces	5 pounds	Over 42 pounds	48 pounds
	Over 5 pounds 8 ounces	6 pounds	Over 48 pounds	54 pounds
	Over 6 pounds 8 ounces	7 pounds	Over 54 pounds	60 pounds
	Over 7 pounds 8 ounces	8 pounds	Over 60 pounds	66 pounds
Cocks or old roosters	None	4 pounds	None	48 pounds
	Over 4 pounds 8 ounces	5 pounds	Over 48 pounds	60 pounds
	Over 5 pounds 8 ounces	6 pounds	Over 60 pounds	72 pounds
	Over 6 pounds 8 ounces	7 pounds	Over 72 pounds	84 pounds
	Over 7 pounds 8 ounces	8 pounds	Over 84 pounds	96 pounds
	Over 8 pounds 8 ounces	9 pounds	Over 96 pounds	108 pounds
Turkeys and geese (all classes)	None	12 pounds	None	144 pounds
	Over 12 pounds 8 ounces	14 pounds	Over 144 pounds	168 pounds
	Over 14 pounds 8 ounces	16 pounds	Over 168 pounds	200 pounds
	Over 16 pounds 8 ounces	18 pounds	Over 200 pounds	240 pounds
	Over 18 pounds 8 ounces	20 pounds	Over 240 pounds	288 pounds
	Over 20 pounds 8 ounces	22 pounds	Over 288 pounds	348 pounds
Ducks (all classes)	None	4 pounds	None	48 pounds
	Over 4 pounds 8 ounces	5 pounds	Over 48 pounds	60 pounds
	Over 5 pounds 8 ounces	None	Over 60 pounds	None
	Over 6 pounds 8 ounces	8 pounds	Over 96 pounds	120 pounds
	Over 7 pounds 8 ounces	10 pounds	Over 120 pounds	144 pounds
	Over 8 pounds 8 ounces	None	Over 144 pounds	None
Guineas (all classes)	None	1 pound 8 ounces	None	18 pounds
	Over 1 pound 8 ounces	2 pounds 8 ounces	Over 18 pounds	27 pounds
	Over 2 pounds 8 ounces	None	Over 27 pounds	None
	Over 3 pounds 8 ounces	4 pounds	Over 36 pounds	42 pounds
	Over 4 pounds 8 ounces	5 pounds	Over 42 pounds	48 pounds
	Over 5 pounds 8 ounces	6 pounds	Over 48 pounds	54 pounds
Pigeons (all classes)	None	8 ounces	None	6 pounds
	Over 8 ounces	11 ounces	Over 6 pounds	8 pounds 8 ounces
	Over 11 ounces	None	Over 8 pounds 8 ounces	None
	Over 12 ounces	14 ounces	Over 12 pounds	16 pounds
	Over 14 ounces	None	Over 16 pounds	None
	Over 16 ounces	None	Over 20 pounds	None

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

SUBPART C—FORMS AND INSTRUCTIONS

Notice is hereby given of the authorized forms, designs and wording which are approved to be used as official identification with respect to graded products and inspected and certified products, pursuant to § 70.11 *Identifying and marking products* of the rules governing the grading and inspection of poultry and edible products thereof (7 CFR Part 70; 16 F. R. 5210) which were issued pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950).

In order that interested persons may know in advance the authorized forms, designs, and wording of the official identification which will be approved for use in connection with graded products and inspected and certified products, it has been deemed advisable to set forth herein the examples of the various grade marks and inspection marks which are satisfactory to the Administration. The forms and designs of the official identification presented herein are the same as those which were in effect prior to the effective date hereof, except for a modification in § 70.201 (a) hereof, which permits the use of the grade mark for ready-to-cook poultry only in instances when such product is marked to indicate that it has been inspected either by Federal or other acceptable authority.

The Administration finds that it is impractical, unnecessary, and contrary to the public interest to give a 30 days' notice of the effective date of these regulations for the reason that (1) its provisions are substantially the same as those currently in effect; (2) the poultry regulations authorizing the promulgation by the Administrator of the official identification for graded and inspected and certified products, become effective July 1, 1951, and it is imperative that the authorized forms, designs and wording of the official identification be made effectively usable in conjunction therewith; (3) compliance with the provisions of this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereinafter specified; and, (4) reasonable time is permitted under the circumstances for the preparation for such effective date; and therefore, the form, design, and wording of official identification hereinafter set forth are to become effective July 1, 1951, after publication in the FEDERAL REGISTER.

§ 70.201 *Forms of official identification.* Subject to the requirements in § 70.11 *Identifying and marking products* of the rules governing the grading and inspection of poultry and edible products thereof:

(a) *Form of grade marks.* The grade marks approved for use pursuant to § 70.11 (b) of the regulations on a

graded product shall be contained within a shield of the form and design indicated in the examples in Figure 1 hereof. The information (including the form and arrangement of its wording) which is required in such marks shall be: (1) The class of the product or whether the product is "young" or "mature" (or "old"), (2) whether dressed or ready-to-cook, (3) its U. S. grade, and

Examples of Grade Marks for Dressed Poultry and Ready-to-Cook Poultry

FOR DRESSED POULTRY



FOR READY-TO-COOK POULTRY



FIGURE 1.

(4) one of the following phrases: "Federal-State graded," "Government graded," or a phrase of similar import. In addition, the plant number of the official plant shall be set forth if it does not appear on the packaging material. Such other material as the Administrator may approve may also be included within such shields. However, the grade mark for read-to-cook poultry may be used only when the product is identified as having been inspected by Federal inspectors or by inspectors of any other inspection system acceptable to the Administration.

(b) *Form of inspection mark.* The inspection mark approved for use on inspected and certified edible products shall be contained within a circle and contain the following wording: "Inspected for Wholesomeness by U. S. Department of Agriculture." The form and arrangement of such wording shall be as indicated in the example in Figure

2 hereof. In addition, the plant number of the official plant shall be set forth if it does not appear on the packaging material.

Example



FIGURE 2.

(c) *Combined form of grade mark and inspection mark.* With respect to any product which was inspected and graded, a combined form of grade mark and inspection mark is approved for use pur-

Example



FIGURE 3.

suant to § 70.11 (b) and (c) of the regulations. Such combination form shall contain applicable wording and be of the form and design as indicated in the example in Figure 3 hereof. In addition, the plant number of the official plant shall be set forth if it does not appear on the packaging material. Such other material as the Administrator may approve may be included as a part of the combined form of grade mark and inspection mark. Separate forms of the grade mark and the inspection mark may be used in lieu of the combined form of grade mark and inspection mark.

(d) *Identification of certain dressed poultry.* With respect to dressed poultry which has been graded or inspected for condition only, the form of identification approved for use shall contain the wording "Dressed Poultry Processed Under USDA Sanitary Standards, Not

USDA Graded for Quality or USDA Inspected for Wholesomeness" and set forth the applicable plant number. All labels using such identification shall be numbered serially or with a lot number indicating the day of the year the poultry was packed. The required wording, the plant number, and the serial or lot number shall be set forth in the manner indicated in the example in Figure 4 hereof and within the outline of a rectangle of the form and design illustrated.

Example

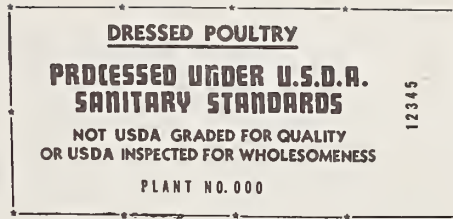


FIGURE 4.

(Sec. 205, 60 Stat. 1090, Pub. Law 759, 81st Cong.; 7 U. S. C. 1624)

Issued at Washington, D. C., this 1st day of June 1951.

[SEAL]

ROY W. LENNARTSON,
Assistant Administrator.



